

SUPPORTING AN UPGRADE IN ISRAEL'S RELATIONSHIP WITH
NATO; ETHIOPIA FREEDOM, DEMOCRACY, AND HUMAN
RIGHTS ADVANCEMENT ACT OF 2006; CONGRATULATING THE
INTERNATIONAL AIDS VACCINE INITIATIVE; CALLING ON GER-
MANY TO TAKE IMMEDIATE ACTION TO COMBAT SEX TRAF-
FICKING IN CONNECTION WITH THE 2006 FIFA WORLD CUP;
CONGRATULATING ISRAEL'S DAVID ADOM SOCIETY; UNITED
STATES AND INDIA NUCLEAR COOPERATION PROMOTION
ACT OF 2006; AND MILLENNIUM CHALLENGE REAUTHORIZA-
TION ACT OF 2005

MARKUP
BEFORE THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED NINTH CONGRESS

SECOND SESSION

ON

**H. Res. 700, H.R. 5680, H. Res. 844, H. Res. 860,
H. Con. Res. 435, H.R. 5682 and H.R. 4014**

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**SUPPORTING AN UPGRADE IN ISRAEL'S RELATIONSHIP
WITH NATO; ETHIOPIA FREEDOM, DEMOCRACY, AND
HUMAN RIGHTS ADVANCEMENT ACT OF 2006; CONGRATU-
LATING THE INTERNATIONAL AIDS VACCINE INITIATIVE;
CALLING ON GERMANY TO TAKE IMMEDIATE ACTION TO
COMBAT SEX TRAFFICKING IN CONNECTION WITH THE
2006 FIFA WORLD CUP; CONGRATULATING ISRAEL'S DAVID
ADOM SOCIETY; UNITED STATES AND INDIA NUCLEAR CO-
OPERATION PROMOTION ACT OF 2006; AND MILLENNIUM
CHALLENGE REAUTHORIZATION ACT OF 2005**

TUESDAY, JUNE 27, 2006

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to notice, at 10:08 a.m. in room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order. The business meeting of the Committee will come to order. We have several noncontroversial bills on the agenda. It is the intention of the Chair to consider these measures en bloc, and by unanimous consent I authorize the Chair to seek consideration of the bills under suspension of the rules, and the amendments which the Members have before them will be deemed adopted. All Members are given leave to insert remarks on the measures into the record, should they choose to do so.

I will also request unanimous consent to order H.R. 4014, the Millennium Challenge Reauthorization Act of 2005, reported favorably as amended. Accordingly, without objection, the Chairman is authorized to seek consideration of the following bills under suspension of the rules, and the amendments to those measures which the Members have before them shall be deemed adopted: H. Res. 700, Supporting Israel's relationship with NATO, as amended; H.R. 5680, the Ethiopia Freedom, Democracy, and Human Rights Advancement Act of 2006; H. Res. 844, Congratulating the International AIDS Vaccine Initiative on ten years of significant achievement, as amended; H. Res. 860, Calling on the Government of Germany to take immediate action to combat sex trafficking in connection with the 2006 FIFA World Cup, as amended; and H. Con. Res. 435, Congratulating Israel's David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement.

[The information referred to follows:]

109TH CONGRESS
2D SESSION

H. RES. 700

Supporting an upgrade in Israel's relationship with NATO to that of a leading member of NATO's Individual Cooperation Program, as a first step toward Israel's inclusion in NATO as a full member with all corresponding rights, privileges, and responsibilities.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2006

Ms. ROS-LEHTINEN (for herself and Mr. WEXLER) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Supporting an upgrade in Israel's relationship with NATO to that of a leading member of NATO's Individual Cooperation Program, as a first step toward Israel's inclusion in NATO as a full member with all corresponding rights, privileges, and responsibilities.

Whereas ministers representing Member States of the North Atlantic Treaty Organization have expressed the need to amend the NATO alliance in order to enhance its ability to address new threats;

Whereas the confluence of global terrorist threats necessitate the geographic expansion of the alliance;

Whereas NATO Member States have been attacked by, and continue to be threatened by, groups based in the Middle East;

Whereas Israel's geographic location and advanced military and intelligence capabilities make it considerably able to address such regional threats;

Whereas Israel is a valuable strategic ally of the United States and other NATO Member States;

Whereas Israel has been a staunch ally in the global effort to eradicate terror and a strong defender of democracy, freedom, and human rights;

Whereas Israel faces a range of regional strategic threats and is not a party to any organization, such as NATO, that has a mutual security guarantee mechanism, such as Article 5 of the NATO Charter;

Whereas Israel has presented NATO with a plan for a step-by-step upgrade in bilateral cooperation entitled the "Individual Cooperation Program: Strategic Cooperative Framework Between the State of Israel and NATO for 2006–2007" detailing a wide range of vehicles for enhanced cooperation between Israel and NATO, including Israel's willingness to provide NATO with assets to support NATO search and rescue operations, in addition to disaster relief;

Whereas NATO has also sought to deepen its relationship with Israel, including through the visit of NATO Secretary General Jaap de Hoop Scheffer to Israel in February 2005, marking the first such visit to Israel by a NATO Secretary General;

Whereas in February 2006, a delegation of multinational military officers led by NATO Airborne Early Warning

and Control Force General Axel Tuttelman brought an AWAC early warning surveillance plane to Israel, in hopes of further enhancing security cooperation between NATO and Israel in the war on global terrorism;

Whereas NATO Secretary General Jaap de Hoop Scheffer stated that Israel “had shown a keen interest” in joining NATO naval patrols in efforts to prevent terrorist smuggling of materials through the Mediterranean into Europe;

Whereas Israel is a member of the NATO Mediterranean Dialogue, which has served as a forum for consultation and practical cooperation between countries in the Mediterranean area for the past ten years;

Whereas the NATO Mediterranean Dialogue criteria precludes Israel from deepening its military and strategic relationship with NATO in a number of areas that would be mutually beneficial to both Israel and NATO Member States;

Whereas Israel and NATO have held joint military operations and have explored the possibility of increasing joint counter-proliferation efforts and intelligence sharing;

Whereas Israel is developing the technology to make its military assets interoperable with those of NATO forces;

Whereas Israel will place a liaison officer at NATO’s naval headquarters in Naples, Italy;

Whereas Israel continues to demonstrate its commitment to work with NATO Member States to enhance its policies and programs regarding military capabilities, military doctrine and exercises, border security, arms control, terrorist prevention, humanitarian efforts, public diplomacy, and technological advancement to forge a relationship

with NATO which enhances the capabilities of the alliance;

Whereas Israel possesses a functioning democratic form of government, market-based economy, and respect for the political rights and liberties of minority groups, has demonstrated a strong commitment to peacefully settle disputes and the ability and willingness to contribute militarily to the alliance, and has in place a democratic civil-military structure; and

Whereas Israel meets the criteria for membership in NATO and executes policies and upholds principles which are in keeping with the objectives of the Washington Treaty and in ensuring the alliance's future relevance: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) the pluralistic and geographic expansion of
4 the North Atlantic Treaty Organization alliance is
5 necessary for the alliance's continued effectiveness
6 and relevance;

7 (2) Israel's demonstrated commitment to up-
8 hold democracy and to combat terrorism, in addition
9 to its strong strategic and military capabilities, make
10 Israel deserving of NATO membership, and would
11 make Israel an invaluable NATO ally;

12 (3) the United States, as Israel's strong ally,
13 should take the lead in supporting an upgrade in
14 Israel's relationship with NATO to that of a leading

1 member of NATO's Individual Cooperation Pro-
2 gram, as a first step toward Israel's inclusion in
3 NATO as a full member with all corresponding
4 rights, privileges, and responsibilities; and

5 (4) Israel's deepened relationship with NATO
6 would be mutually beneficial to both Israel and
7 NATO Member States, including the United States.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 700
OFFERED BY MS. ROS-LEHTINEN OF FLORIDA
AND MR. WEXLER OF FLORIDA**

Strike the preamble and insert the following:

Whereas ministers representing Member States of the North Atlantic Treaty Organization have expressed their dedication to further transformation of the NATO alliance in order to enhance its ability to address new threats and challenges in a global security environment;

Whereas NATO's North Atlantic Council initiated the Mediterranean Dialogue in 1994 as a means to contribute to security and stability of the Mediterranean region;

Whereas NATO's Prague Summit in 2002 and NATO's Istanbul Summit of 2004 continued to expand and deepen the framework of the Mediterranean Dialogue, and initiated the Istanbul Cooperation Initiative to further contribute to security and stability in the broader Middle East;

Whereas NATO is preparing to further transform and enhance the Alliance's global partnerships and relationships as part of its agenda for NATO's Riga Summit in November 2006;

Whereas Israel supports principles which are in keeping with the objectives of the Washington Treaty;

Whereas Israel's advanced military and intelligence capabilities, and expertise in dealing with new security realities

and threats, would contribute to NATO's ability to confront the challenges of the new global security environment;

Whereas Israel is a member of the NATO Mediterranean Dialogue, which has served as a forum for consultation and practical cooperation between countries in the Mediterranean area for the past ten years;

Whereas Israel has presented NATO with a plan to enhance its bilateral cooperation entitled the "Individual Cooperation Program: Strategic Cooperative Framework Between the State of Israel and NATO for 2006-2007" detailing a wide range of vehicles for enhanced cooperation between Israel and NATO, including Israel's willingness to provide NATO with assets to support NATO search and rescue operations, in addition to disaster relief;

Whereas NATO, as part of its enhanced Mediterranean Dialogue outreach, has also deepened its relationship with Israel, including through the visit of NATO Secretary General Jaap de Hoop Scheffer to Israel in February 2005, marking the first such visit to Israel by a NATO Secretary General;

Whereas in February 2006, a delegation of multinational military officers led by NATO Airborne Early Warning and Control Force General Axel Tuttelman brought an AWACS early warning surveillance plane to Israel, in hopes of further enhancing security cooperation between NATO and Israel in the war on global terrorism;

Whereas NATO Secretary General Jaap de Hoop Scheffer stated that Israel 'had shown a keen interest' in joining NATO naval patrols in efforts to prevent terrorist smug-

gling of materials through the Mediterranean into Europe;

Whereas Israel has participated in NATO-sponsored military exercises and has explored the possibility of increasing joint counter-proliferation efforts and intelligence sharing;

Whereas Israel is developing the technology to make its military assets interoperable with those of NATO forces;

Whereas Israel will place a liaison officer at NATO's naval headquarters in Naples, Italy;

Whereas, through its submission of its Individual Cooperation Program, Israel continues to demonstrate its commitment to work with NATO to enhance its policies and programs regarding military capabilities, military doctrine and exercises, border security, arms control, terrorist prevention, humanitarian efforts, public diplomacy, and technological advancement;

Whereas Israel possesses a functioning democratic form of government, market-based economy, and respect for the political rights and liberties of minority groups, has demonstrated a strong commitment to peacefully settle disputes and the ability and willingness to contribute militarily to the alliance, and has in place a democratic civil military structure;

Whereas Israel has been a staunch ally in the global effort to eradicate terror and a strong defender of democracy, freedom, and human rights; and

Whereas Israel is a valuable strategic ally of the United States and other NATO Member States: Now, therefore, be it

Strike all after the resolving clause and insert the following:

1 That it is the sense of the House of Representatives
2 that—

3 (1) the transformation of the North Atlantic
4 Treaty Organization's non-member partnership rela-
5 tionships is necessary to address the threats and
6 challenges the Alliance faces in the new global secu-
7 rity environment;

8 (2) Israel's demonstrated commitment to up-
9 hold democracy and to combat terrorism, in addition
10 to its strong strategic and military capabilities,
11 makes Israel an invaluable NATO partner;

12 (3) as Israel pursues an expanded relationship
13 with NATO, the United States, as Israel's strong
14 ally should take the lead in advocating for such an
15 enhanced relationship between Israel and the Alli-
16 ance; and

17 (4) Israel's deepened relationship with NATO
18 would be mutually beneficial to both Israel and
19 NATO Member States, including the United States.

Amend the title so as to read: "A resolution sup-
porting an enhanced relationship between Israel and
NATO."

.....
(Original Signature of Member)

109TH CONGRESS
2D SESSION

H. R. 5680

To encourage and facilitate the consolidation of security, human rights,
democracy, and economic freedom in Ethiopia.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of New Jersey (for himself and Mr. PAYNE) introduced the fol-
lowing bill; which was referred to the Committee on

A BILL

To encourage and facilitate the consolidation of security,
human rights, democracy, and economic freedom in Ethiopia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ethiopia Freedom, De-
5 mocracy, and Human Rights Advancement Act of 2006”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 It is the policy of the United States to—

1 (1) support the advancement of human rights,
2 democracy, independence of the judiciary, freedom of
3 the press, peacekeeping capacity building, and eco-
4 nomic development in the Federal Democratic Re-
5 public of Ethiopia;

6 (2) collaborate with Ethiopia in the Global War
7 on Terror;

8 (3) seek the unconditional release of all political
9 prisoners and prisoners of conscience in Ethiopia;

10 (4) foster stability, democracy, and economic
11 development in the region; and

12 (5) strengthen United States-Ethiopian rela-
13 tions based on the policy objectives specified in para-
14 graphs (1) through (4).

15 **SEC. 3. FINDINGS.**

16 Congress finds the following:

17 (1) The people of Ethiopia have suffered for
18 decades due to military conflicts, natural disasters,
19 poverty and diseases, regional instability, and the
20 brutal dictatorship of the military junta under
21 Mengistu Haile Mariam. Hundreds of thousands of
22 civilians were brutally murdered by the Mengistu re-
23 gime, including women and children. Many more
24 sacrificed their lives fighting for freedom, respect for
25 human rights, and to bring an end to the brutal die-

1 tatorship of the Mengistu regime. Members of that
2 murderous regime are currently living in Europe, the
3 United States, and Africa.

4 (2) In May 1991, the brutal dictatorship of the
5 Mengistu regime came to an abrupt end when the
6 Ethiopian People's Revolutionary Democratic Front
7 (EPRDF) defeated the Mengistu army. In July
8 1991, the EPRDF and a coalition of other political
9 groups established a transitional government in
10 Ethiopia. A number of liberation movements joined
11 the transitional government in a spirit of a new start
12 and the building of a democratic Ethiopia. These
13 groups included the Oromo Liberation Front (OLF),
14 the Ogaden National Liberation Front (ONLF), and
15 many others.

16 (3) Since the ouster of the Mengistu regime in
17 1991, the EPRDF-led government instituted a
18 multiparty system and organized three regional and
19 national elections and a number of local elections.
20 The 1995 and 2000 elections were largely boycotted
21 and judged to be neither free nor fair. Some opposi-
22 tion groups participated in the 2000 elections, giving
23 such groups 12 seats in the 546-seat parliament.

24 (4) The May 2005 pre-election period and the
25 conduct of the elections in Ethiopia were seen by ob-

1 servers to be transparent, competitive, and relatively
2 free and fair, although there were a number of prob-
3 lems reported. More than 90 percent of registered
4 voters participated and dozens of political parties
5 took part in the elections. Moreover, some inter-
6 national groups observed the elections, unprece-
7 dented access to the mass media was given to the
8 opposition, and there were televised debates between
9 the government and the opposition. Some political
10 parties and armed political groups boycotted the
11 2005 elections. However, trained local groups were
12 barred from observing the elections.

13 (5) Despite apparent improvement in the elec-
14 toral process, preliminary election results announced
15 by the Government of Ethiopia shortly after the May
16 15, 2005, elections were seen by observers as ques-
17 tionable. The opposition accused the Government of
18 Ethiopia of stealing the elections and called for civil
19 disobedience, which resulted in the killing of dem-
20 onstrators and detention of opposition leaders and
21 thousands of their followers, including 11 elected
22 members of parliament and the elected mayor of
23 Addis Ababa.

24 (6) The Coalition for Unity and Democracy
25 (CUD), the United Ethiopian Democratic Forces

1 (UEDF), and the ruling EPRDF reached an agree-
2 ment to resolve disputed election results peacefully
3 with the help of the National Electoral Board
4 (NEB). The NEB investigated more than 299 com-
5 plaints and later agreed to hold reruns in 31 con-
6 stituencies. In late August 2005, the NEB held re-
7 runs in the 31 constituencies as well as in all 23
8 constituencies in the Somali region, where elections
9 had been postponed due to insecurity.

10 (7) Election results show that opposition parties
11 won 170 seats in the national parliament, a signifi-
12 cant increase from the 12 seats they won in the last
13 elections. Opposition parties also won the city coun-
14 cil in Addis Ababa, giving them control over the cap-
15 ital. An estimated 150 of the 170 opposition mem-
16 bers of parliament have taken their seats. In early
17 May 2006, the Government of Ethiopia appointed a
18 caretaker government in the capital. Members of
19 parliament from the CUD walked out of parliament
20 in protest. The CUD won the city, but the des-
21 ignated mayor has been in detention since November
22 2005.

23 (8) Human rights conditions deteriorated sig-
24 nificantly after the May 15, 2005, elections in Ethi-
25 opia and overall human rights conditions in the

1 country remain poor. The Department of State, in
2 its 2005 Country Reports on Human Rights Prac-
3 tices, noted a myriad of human rights abuses by the
4 Government of Ethiopia. Moreover, journalists and
5 editors of the independent press have been and con-
6 tinue to face harassment and prosecution for alleged
7 violations of press laws in Ethiopia. Dozens of jour-
8 nalists have fled the country, and some are currently
9 in exile fearing prosecution or harassment.

10 (9) In June 2005, more than 35 demonstrators
11 were killed by Ethiopian Government security per-
12 sonnel and in November 2005 an estimated 53 peo-
13 ple were killed, including seven policemen, according
14 to Human Rights Watch and several other reports.
15 The violence against these victims occurred after
16 pro-opposition groups went to the streets of the cap-
17 ital to protest government actions in handling the
18 elections results of May 2005. Tens of thousands of
19 people suspected of being opposition supporters were
20 detained over the past months, although many of
21 these detainees were released. Nonetheless, govern-
22 ment security forces continue to abuse opposition
23 leaders, supporters, and family members.

24 (10) An estimated 112 political leaders, human
25 rights activists, community leaders, and journalists,

1 including the chairman of the CUD (Hailu Shawel),
2 the newly elected Mayor of Addis Ababa (Berhanu
3 Nega), and the founder of the Ethiopian Human
4 Rights Council (Professor Mesfin Wolde Mariam),
5 were imprisoned and charged with treason and geno-
6 cide. These measures were deliberately taken to sti-
7 fle and criminalize opposition party activity in the
8 country. The measures also were intended to intimi-
9 date and silence independent press and civil society,
10 raising serious question about the Ethiopian Govern-
11 ment's commitment to democracy and good govern-
12 ance.

13 **SEC. 4. SUPPORT FOR HUMAN RIGHTS IN ETHIOPIA.**

14 The Secretary of State shall—

15 (1) establish a mechanism to provide financial
16 support to local and national human rights groups
17 and other relevant civil society organizations to help
18 strengthen human rights monitoring and regular re-
19 porting on human rights conditions in Ethiopia;

20 (2) establish a program to provide legal support
21 for political prisoners and prisoners of conscience
22 and to assist local groups or groups from outside
23 Ethiopia that are active in monitoring the status of
24 political prisoners and prisoners of conscience in
25 Ethiopia;

1 (3) seek to increase the independence of the
2 Ethiopian judiciary through facilitation of joint dis-
3 cussions for court personnel, officials from the Ethi-
4 opian Ministry of Justice, relevant members of the
5 legislature, and civil society representatives on inter-
6 national human rights standards;

7 (4) create and support a judicial monitoring
8 process, consisting of local and international groups,
9 to monitor judicial proceedings throughout Ethiopia,
10 with special focus on unwarranted government inter-
11 vention on strictly judicial matters, and to inves-
12 tigate and report on actions to strengthen an inde-
13 pendent judiciary;

14 (5) establish a program to strengthen private
15 media in Ethiopia, provide support for training pur-
16 poses, offer technical and other types of support as
17 necessary, and expand programming by the Voice of
18 America to Ethiopia; and

19 (6) establish a mechanism to identify and extra-
20 dite members of the Mengistu Haile Mariam regime
21 and the current government residing in the United
22 States who were engaged in gross human rights vio-
23 lations and work with other governments to identify
24 and extradite such persons, including Mengistu
25 Haile Mariam.

1 **SEC. 5. SUPPORT FOR DEMOCRATIZATION IN ETHIOPIA.**

2 (a) STRENGTHENING LOCAL, REGIONAL, AND NA-
3 TIONAL DEMOCRATIC PROCESSES.—The Secretary of
4 State shall—

5 (1) provide assistance to strengthen local, re-
6 gional, and national parliaments and governments in
7 Ethiopia through training in consultation with gov-
8 ernment authorities, political parties, and civil soci-
9 ety groups;

10 (2) establish a program focused on reconcili-
11 ation efforts between the Government of Ethiopia
12 and peaceful political and civil society groups, in-
13 cluding in minority communities, in preparation for
14 negotiation and for participation in the political
15 process;

16 (3) strengthen training for political parties in
17 Ethiopia in areas such as organization building and
18 campaign management;

19 (4) provide training for civil society groups in
20 election monitoring in Ethiopia; and

21 (5) facilitate ongoing communications between
22 the Government of Ethiopia through the National
23 Election Board (NEB) in order to address issues
24 such as delimitation of constituencies, voter registra-
25 tion, political party registration, candidate registra-

1 tion, and related matters to enhance the credibility
2 of the next elections in Ethiopia.

3 (b) DEMOCRACY ENHANCEMENT.—

4 (1) ASSISTANCE.—United States technical as-
5 sistance for democracy promotion in Ethiopia should
6 be made available to the ruling party as well as op-
7 position parties in Ethiopia.

8 (2) RESTRICTION.—

9 (A) IN GENERAL.—Nonessential United
10 States assistance shall not be made available to
11 the Government of Ethiopia if the Government
12 of Ethiopia acts to obstruct United States tech-
13 nical assistance to advance human rights, de-
14 mocracy, independence of the judiciary, freedom
15 of the press, economic development and eco-
16 nomic freedom in Ethiopia.

17 (B) DEFINITION.—In this paragraph, the
18 term “nonessential United States assistance”
19 means assistance under any provision of law,
20 other than humanitarian assistance, assistance
21 under emergency food programs, assistance to
22 combat HIV/AIDS, and other health care as-
23 sistance.

1 **SEC. 6. ENSURING GOVERNMENT SUPPORT FOR HUMAN**
2 **RIGHTS, DEMOCRACY, AND ECONOMIC DE-**
3 **VELOPMENT IN ETHIOPIA.**

4 (a) LIMITATION ON SECURITY ASSISTANCE; TRAVEL
5 RESTRICTIONS.—

6 (1) LIMITATION ON SECURITY ASSISTANCE.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), security assistance shall not
9 be provided to Ethiopia until such time as the
10 certification described in paragraph (3) is made
11 in accordance with such paragraph.

12 (B) EXCEPTION.—Subparagraph (A) shall
13 not apply with respect to peacekeeping or
14 counter-terrorism assistance. Peacekeeping or
15 counter-terrorism assistance provided to Ethi-
16 opia shall not be used for any other security-re-
17 lated purpose or to provide training to security
18 personnel or units accused of human rights vio-
19 lations against civilians.

20 (2) TRAVEL RESTRICTIONS.—Beginning on the
21 date that is 60 days after the date of the enactment
22 of this Act and until such time as the certification
23 described in paragraph (3) is made in accordance
24 with such paragraph, the President shall deny a visa
25 and entry into the United States to—

1 (A) any official of the Government of Ethi-
2 opia who—

3 (i) has been involved in giving orders
4 to use lethal force against peaceful dem-
5 onstrators in Ethiopia; or

6 (ii) has been accused of gross human
7 rights violations;

8 (B) security personnel of the Government
9 of Ethiopia who were involved in the June or
10 November 2005 shootings of demonstrators;
11 and

12 (C) Ethiopian civilians who were involved
13 in the November 2005 killings of seven police-
14 men in Ethiopia.

15 (3) CERTIFICATION.—The certification de-
16 scribed in this paragraph is a certification by the
17 President to Congress that the Government of Ethi-
18 opia is making credible, quantifiable efforts to en-
19 sure that—

20 (A) all political prisoners and prisoners of
21 conscience in Ethiopia have been released, their
22 civil and political rights restored, and their
23 property returned;

24 (B) prisoners held without charge or kept
25 in detention without fair trial in violation of the

1 Constitution of Ethiopia are released or receive
2 a fair and speedy trial, and prisoners whose
3 charges have been dismissed or acquitted and
4 are still being held are released without delay;

5 (C) the Ethiopian judiciary is able to func-
6 tion independently and allowed to uphold the
7 Ethiopian Constitution and international
8 human rights standards;

9 (D) the investigation of the killing of civil-
10 ian protesters by Ethiopian security forces is
11 credible, transparent, and those involved in the
12 unlawful killing are punished;

13 (E) family members, legal counsel, and
14 others have unfettered access to visit detainees
15 in Ethiopian prisons;

16 (F) print and broadcast media in Ethiopia
17 are able to operate free from undue interference
18 and laws restricting media freedom, including
19 sections of the Ethiopian Federal Criminal
20 Code, are revised;

21 (G) licensing of independent radio and tel-
22 evision in Ethiopia is open and transparent;

23 (H) access in Ethiopia is provided to the
24 Internet and the ability of citizens to freely

1 send and receive electronic mail and otherwise
2 obtain information is guaranteed;

3 (I) the National Election Board (NEB) in-
4 cludes representatives of political parties with
5 seats in the Ethiopian Parliament and guaran-
6 tees independence for the NEB in its decision-
7 making;

8 (J) representatives of international human
9 rights organizations engaged in human rights
10 monitoring work in Ethiopia are admitted to
11 Ethiopia without undue restriction; and

12 (K) Ethiopian human rights organizations
13 are able to operate in an environment free of
14 harassment, intimidation, and persecution.

15 (4) WAIVER.—

16 (A) IN GENERAL.—The President may
17 waive the application of paragraph (1) or (2) on
18 a case-by-case basis if the President determines
19 that—

20 (i) to the maximum extent practicable,
21 the Government of Ethiopia has met the
22 requirement of paragraph (3)(A); and

23 (ii) such a waiver is in the national in-
24 terests of the United States.

1 (B) NOTIFICATION.—Prior to granting a
2 waiver under the authority of subparagraph
3 (A), the President shall transmit to Congress a
4 notification that includes the reasons for the
5 waiver.

6 (b) TREATMENT OF POLITICAL PRISONERS AND
7 PRISONERS OF CONSCIENCE.—

8 (1) IN GENERAL.—The President, the Secretary
9 of State, and other relevant officials of the Govern-
10 ment of the United States shall call upon the Gov-
11 ernment of Ethiopia to immediately release all polit-
12 ical prisoners and prisoners of conscience, especially
13 prisoners held without charge.

14 (2) TORTURE VICTIM RELIEF.—While it is the
15 responsibility of the Government of Ethiopia to com-
16 pensate the victims of unlawful imprisonment and
17 torture and their families for their suffering and
18 losses, the President shall provide assistance for the
19 rehabilitation of victims of torture in Ethiopia at
20 centers established for such purposes pursuant to
21 section 130 of the Foreign Assistance Act of 1961
22 (22 U.S.C. 2152).

23 (c) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the Government of the United States should—

1 (1) encourage the Government of Ethiopia to
2 enter into discussions with the Oromo Liberation
3 Front to bring them into full participation in the po-
4 litical and economic affairs of Ethiopia, including
5 their legalization as a political party; and

6 (2) provide such assistance as is warranted and
7 necessary to help achieve the goal described in para-
8 graph (1).

9 **SEC. 7. SUPPORT FOR ECONOMIC DEVELOPMENT IN ETHI-**
10 **OPIA.**

11 (a) **ECONOMIC POLICY ASSISTANCE.**—Utilizing train-
12 ing and other technical assistance programs offered by the
13 Department of the Treasury, the Office of the United
14 States Trade Representative, and the Department of Jus-
15 tice, the President shall assist the Government of Ethiopia
16 in developing policies that will address key economic obsta-
17 cles, including in such areas as budgeting, taxation, debt
18 management, bank supervision, anti-money laundering,
19 and land title security that inhibit private sector develop-
20 ment and limit participation in donor programs such as
21 the United States Millennium Challenge Account.

22 (b) **FINANCING FOR UNITED STATES–ETHIOPIAN**
23 **COMMERCIAL VENTURES.**—Pursuant to the Government
24 of Ethiopia’s acceptance of the reforms in subsection (a),
25 the President shall make available adequate financing for

1 United States and Ethiopian private commercial ventures,
2 including programs of the United States Agency for Inter-
3 national Development, the Small Business Administration
4 (including, but not limited to, the Export Express and Ex-
5 port Working Capital programs), the Overseas Private In-
6 vestment Corporation (including, but not limited to, the
7 Small Business Center and the Small and Medium Enter-
8 prise and Structural Finance programs), and the Export-
9 Import Bank of the United States (including, but not lim-
10 ited to, the Short-Term Africa Pilot Program).

11 (c) RESOURCE POLICY ASSISTANCE.—The President,
12 acting through the Administrator of the United States
13 Agency for International Development, shall provide as-
14 sistance for sustainable development of Ethiopia’s Nile
15 and Awash River resources, including assistance to help
16 Ethiopia with the technology necessary for the construc-
17 tion of irrigation systems and hydroelectric power that
18 might prevent future famine.

19 **SEC. 8. REPORT.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the President shall transmit to Congress
22 a report on the implementation of this Act, including a
23 description of a comprehensive plan to address the secu-
24 rity, human rights, democratization, and economic free-

1 dom concerns that potentially threaten the stability of the
2 Federal Democratic Republic of Ethiopia.

3 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated to carry out this Act \$10,000,000 for each of the
6 fiscal years 2007 and 2008.

7 (b) AVAILABILITY.—Amounts appropriated pursuant
8 to the authorization of appropriations under subsection (a)
9 are authorized to remain available until expended.

109TH CONGRESS
2D SESSION

H. RES. 844

Congratulating the International AIDS Vaccine Initiative on ten years of significant achievement in the search for an HIV/AIDS vaccine, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2006

Mr. ENGEL (for himself, Mr. KING of New York, Mr. LANTOS, Mr. BERMAN, Mr. BROWN of Ohio, Mr. WEXLER, Ms. LEE, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Mr. CARNAHAN, Mr. SWEENEY, Mr. PALLONE, Mr. WAXMAN, Mrs. CAPPS, Mr. NADLER, Mr. McNULTY, Mrs. MALONEY, Mr. TOWNS, Mr. HIGGINS, Mr. HINOJOSA, Ms. BORDALLO, Mr. McDERMOTT, Ms. MILLENDER-McDONALD, Mr. MCGOVERN, Mr. CUMMINGS, Mrs. MCCARTHY, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. DOYLE, and Ms. BALDWIN) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Congratulating the International AIDS Vaccine Initiative on ten years of significant achievement in the search for an HIV/AIDS vaccine, and for other purposes.

Whereas HIV/AIDS has killed over 25,000,000 people worldwide and poses a serious threat to the economic and political stability of the countries hit hardest by this terrible epidemic;

Whereas the International AIDS Vaccine Initiative (IAVI) was founded in 1996 as a public-private partnership with a mission to ensure the development of safe, effective, ac-

cessible, preventive HIV/AIDS vaccines for use throughout the world, with a particular focus on developing countries, where the need is most urgent;

Whereas ten years ago, insufficient attention and resources were devoted to the need for, and advantages of, a vaccine to bring an end to this disease;

Whereas the International AIDS Vaccine Initiative's research and policy programs have galvanized scientific efforts and substantially increased financial and political support for this vital effort;

Whereas since its founding, the International AIDS Vaccine Initiative has advanced six vaccine candidates from concept to clinical trials, targeting the subtypes of HIV circulating in the developing world—a record matched only by one large pharmaceutical company;

Whereas today, the majority of newly designed HIV/AIDS vaccine candidates are focused on preventing HIV/AIDS in the developing world, in large part due to the efforts of the International AIDS Vaccine Initiative;

Whereas ten years ago only a few developing countries had participated in HIV/AIDS vaccine trials, but today several countries in sub-Saharan Africa and Asia are actively participating in HIV/AIDS vaccine trials, a reflection of the International AIDS Vaccine Initiative's activism and commitment to working collaboratively with developing country partners;

Whereas the model of the International AIDS Vaccine Initiative, which closely links clinical trial site investigators to product developers, has resulted in the first HIV/AIDS vaccine trials being conducted in Kenya, Rwanda, and India, as well as trials in Uganda and South Africa;

Whereas the International AIDS Vaccine Initiative is committed to ensuring that vaccines will be accessible as soon as possible to those who need them most urgently;

Whereas the International AIDS Vaccine Initiative is a founding member of the Global HIV/AIDS Vaccine Enterprise, recognized by the G8 as an important actor in the quest for a vaccine;

Whereas the International AIDS Vaccine Initiative is an affiliated member of the National Institutes of Health's Partnership for AIDS Vaccine Evaluation and is hosting NIH trials at International AIDS Vaccine Initiative sites in Africa;

Whereas the International AIDS Vaccine Initiative's inclusive approach unites scientists, academics, nonprofit organizations, and governments from the north and south, including communities of faith, communities of color, and many others, in an effort to develop a vaccine to stop global HIV infection rates of 14,000 a day;

Whereas the International AIDS Vaccine Initiative established a Core Clinical Immunology Laboratory and a network of field laboratories in the developing world to facilitate HIV/AIDS vaccine evaluation;

Whereas the International AIDS Vaccine Initiative's Core Clinical Immunology Laboratory was the first Good Clinical Laboratory Practices (GCLP) accredited laboratory in the world to assess HIV/AIDS vaccines, and the International AIDS Vaccine Initiative's laboratory in Uganda was the first to receive such accreditation in Africa;

Whereas the International AIDS Vaccine Initiative has pioneered a successful business model as the first global

health public-private partnership, building a bridge between research and product development; and

Whereas the International AIDS Vaccine Initiative established a ground-breaking Neutralizing Antibody Consortium to address one of the key scientific challenges to vaccine design: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) congratulates the International AIDS Vaccine Initiative on ten years of significant achievement in the search for an HIV/AIDS vaccine;

3 (2) recognizes the role of the International AIDS Vaccine Initiative in raising awareness and increasing financial and political support for this important cause;

4 (3) admires the commitment of the International AIDS Vaccine Initiative to collaborating with developing country researchers, governments, and civil society in the common goal of finding a vaccine;

5 (4) expresses support for the continued success of the International AIDS Vaccine Initiative; and

6 (5) directs the Clerk of the House of Representatives to transmit an enrolled copy of this resolution to the International AIDS Vaccine Initiative.

○

AMENDMENT TO H. RES. 844**OFFERED BY MR. ENGEL**

Strike the preamble and insert the following:

Whereas HIV/AIDS has killed over 25,000,000 people worldwide and poses a serious threat to the economic and political stability of the countries hit hardest by this terrible epidemic;

Whereas the International AIDS Vaccine Initiative (IAVI) was founded in 1996 as a public-private partnership with a mission to ensure the development of safe, effective, accessible, preventive HIV/AIDS vaccines for use throughout the world, with a particular focus on developing countries, where the need is most urgent;

Whereas the International AIDS Vaccine Initiative's research and policy programs have galvanized scientific efforts and substantially increased financial and political support for this vital effort;

Whereas since its founding, the International AIDS Vaccine Initiative has advanced six vaccine candidates from concept to clinical trials, targeting the subtypes of HIV circulating in the developing world—a record matched only by one large pharmaceutical company;

Whereas ten years ago only a few developing countries had participated in HIV/AIDS vaccine trials, but today several countries in sub-Saharan Africa and Asia are actively participating in HIV/AIDS vaccine trials, a reflection of the International AIDS Vaccine Initiative's activism and commitment to working collaboratively with developing country partners;

Whereas the model of the International AIDS Vaccine Initiative, which closely links clinical trial site investigators to product developers, has resulted in the first HIV/AIDS vaccine trials being conducted in Kenya, Rwanda, and India, as well as trials in Uganda and South Africa;

Whereas the International AIDS Vaccine Initiative is a founding member of the Global HIV/AIDS Vaccine Enterprise, recognized by the G-8 as an important actor in the quest for a vaccine; is an affiliated member of the National Institutes of Health's Partnership for AIDS Vaccine Evaluation; and is hosting NIH trials at International AIDS Vaccine Initiative sites in Africa;

Whereas the International AIDS Vaccine Initiative's Core Clinical Immunology Laboratory was the first Good Clinical Laboratory Practices (GCLP) accredited laboratory in the world to assess HIV/AIDS vaccines, and the International AIDS Vaccine Initiative's laboratory in Uganda was the first to receive such accreditation in Africa; and

Whereas the International AIDS Vaccine Initiative established a ground-breaking Neutralizing Antibody Consortium to address one of the key scientific challenges to vaccine design: Now, therefore, be it

[COMMITTEE PRINT]

JUNE 22, 2006

**[Showing the Amendment Adopted by the Subcommittee on
Africa, Global Human Rights and International Operations]**109TH CONGRESS
2D SESSION**H. RES. 860**

Calling on the Government of Germany to take immediate action to combat sex trafficking in connection with the 2006 FIFA World Cup, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2006

Mr. SMITH of New Jersey submitted the following resolution; which was referred to the Committee on International Relations

JUNE 22, 2005

[Strike out the preamble and all after the resolving clause and insert the part printed in roman]

RESOLUTION

Calling on the Government of Germany to take immediate action to combat sex trafficking in connection with the 2006 FIFA World Cup, and for other purposes.

Whereas trafficking in human beings, for sexual or labor exploitation, is an egregious violation of human rights;

Whereas Congress passed and the President signed into law the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386), the Trafficking Victims Protection Reauthorization Act of 2003 (Public Law 108–193), and the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–186) in order to promote vigorous efforts worldwide to combat all forms of trafficking in human beings;

Whereas major sporting events, conventions, and other such events that attract large numbers of people have been shown to result in an increase in the demand for commercial sexual services;

Whereas “pimps” and traffickers are aware of this demand and respond to it by trafficking women and girls for prostitution at such events;

Whereas trafficked women are often persuaded to cross international borders by false promises of legitimate employment in other countries, before being forced to engage in prostitution;

Whereas Germany is a major destination country for trafficking of women and children for prostitution, and there are an estimated 400,000 women in prostitution in Germany, 75 percent of whom are foreigners;

Whereas the 2006 FIFA World Cup will be played in 12 German cities and millions of fans will be in attendance;

Whereas individuals and organized crime groups that traffic women and girls for prostitution are expected to increase their activity before and during the 2006 World Cup;

Whereas in December 2001, Germany officially declared that prostitution is no longer to be seen as immoral and amended its legal code to legalize the maintaining of a

brothel, to permit “pimping”, except when it involves exploiting a prostitute by impairing her personal or economic independence, and to elevate prostitution to the status of a legitimate profession;

Whereas Germany’s legalized prostitution industry has been preparing to increase its capacity in anticipation of the 2006 World Cup;

Whereas prostitution and related activities—including pimping and patronizing or maintaining brothels—provide a façade behind which sex traffickers can operate;

Whereas in March 2006 the European Parliament adopted a resolution on “forced prostitution in the context of world sports events”, stating that major sporting events at which large numbers of people congregate results in a “temporary and spectacular increase in the demand for sexual services” and then listing a number of actions that should be undertaken by Germany and others;

Whereas in April 2006, the European Union Justice and Home Affairs Council adopted a list of best practices that should be undertaken by member states holding major international events, including the development and implementation of measures that discourage the demand for trafficking victims;

Whereas Germany has signed and on June 14, 2006, ratified the United Nations Convention against Transnational Organized Crime and the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children;

Whereas in February 2006 the United Nations Special Rapporteur on trafficking in persons, especially women and children reported to the United Nations Commission

on Human Rights: “For the most part, prostitution as actually practised in the world usually does satisfy the elements of trafficking. . . . Thus, State parties [to the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children] with legalized prostitution industries have a heavy responsibility to ensure that the conditions which actually pertain to the practice of prostitution within their borders are free from the illicit means delineated in subparagraph (a) of the [UN Protocol] definition, so as to ensure that their legalized prostitution regimes are not simply perpetuating widespread and systematic trafficking. As current conditions throughout the world attest, States parties that maintain legalized prostitution are far from satisfying this obligation.”; and

Whereas article 9, paragraph 5, of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children states: “States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral co-operation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.”: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) calls on the Government of Germany to take
3 immediate action to combat sex trafficking in con-
4 nection with the 2006 FIFA World Cup;

5 (2) calls on Germany to take measures to dis-
6 courage the demand that fosters all forms of exploi-
7 tation of persons, especially women and children,

1 that leads to trafficking, including by raising aware-
2 ness among potential users of prostitution and by re-
3 considering the effect of legalized prostitution in cre-
4 ating the demand for prostitution and trafficking;

5 (3) urges countries throughout Europe, includ-
6 ing Germany, to support vigorously public awareness
7 campaigns to inform and educate the general public,
8 particularly athletes, sports fans, and financial spon-
9 sors of the 2006 World Cup, about the potential for
10 trafficking in human beings in response to the rising
11 demand;

12 (4) encourages governments, international orga-
13 nizations, and nongovernmental organizations to en-
14 gage in campaigns targeting potential victims and
15 informing them of the risks and dangers of becom-
16 ing caught in human trafficking networks, particu-
17 larly at the time of the 2006 World Cup;

18 (5) commends the “Final Whistle—Stop Forced
19 Prostitution Campaign” launched by the National
20 Council of German Women’s Organizations and calls
21 on sports associations, including the Fédération
22 Internationale de Football Association (FIFA), the
23 Union of European Football Associations (UEFA),
24 the German Football Association, and others to sup-

1 port this campaign and roundly condemn trafficking
2 in human beings and forced prostitution;

3 (6) encourages sponsors of the 2006 World
4 Cup, as well as tour operators and air transportation
5 service providers, to join in the efforts to end the
6 sexual exploitation of women and girls and prevent
7 trafficking in human beings;

8 (7) urges athletes and coaches of teams com-
9 peting in the 2006 World Cup to denounce the sex-
10 ual exploitation of women and girls and to encourage
11 prevention of trafficking in human beings; and

12 (8) welcomes ratification by Germany of the
13 United Nations Convention against Transnational
14 Organized Crime and the United Nations Protocol to
15 Prevent, Suppress, and Punish Trafficking in Per-
16 sons, Especially Women and Children, and urges
17 Germany to fully implement such Convention and
18 Protocol as soon as practicable, including by adopt-
19 ing any implementing legislation necessary to do so.

○

AMENDMENT TO THE COMMITTEE PRINT TO H.**RES. 860****OFFERED BY MR. SMITH OF NEW JERSEY**

In the 9th clause of the preamble, strike “to permit ‘pimping’ ” and insert “to permit the marketing and advertising of the prostitution of another person and the obtaining of material benefits by supervising another person’s engagement in prostitution”.

Page 4, line 3, strike “immediate” and insert “additional”.

Page 5, line 1, strike “that leads to trafficking,”.

Page 5, beginning on line 5, strike “, including Germany,”.

Page 5, line 24, strike “the German Football Association,”.

Page 6, line 18, strike “, including” and all that follows through line 19 and insert a period.

(Original Signature of Member)

109TH CONGRESS
2D SESSION

H. CON. RES. 435

Congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ACKERMAN (for himself, Ms. ROS-LEHTINEN, Mr. LANTOS, Mr. BURTON of Indiana, Mr. BERMAN, Mr. KING of New York, Mr. WAXMAN, Mr. PENCE, Mr. ENGEL, Mr. McCOTTER, Mrs. LOWEY, Ms. HARRIS, Mr. WEXLER, Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. SCHIFF, Mr. SHERMAN, Mr. GRIJALVA, Ms. BERKLEY, Mr. HASTINGS of Florida, Mrs. MALONEY, Ms. MATSUI, Mr. CROWLEY, Mr. HOLT, Mr. HONDA, Ms. WASSERMAN SCHULTZ, Mr. BROWN of Ohio, Mr. HIGGINS, and Mr. DELAHUNT) submitted the following resolution; which was referred to the Committee on

CONCURRENT RESOLUTION

Congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Movement, and for other purposes.

Whereas international humanitarian law is, quintessentially, about principle, establishing standards of conduct that can not be breached under any circumstance, or for any calculation of political efficacy or utility;

Whereas the International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status, whose mission is to prevent and alleviate human suffering wherever it may be found, without discrimination;

Whereas the Magen David Adom (Red Shield of David) Society is the national humanitarian society in the State of Israel and has performed heroically, aiding all in need of assistance, on a purely humanitarian basis, without bias, even those responsible for acts of horrific violence against Israeli civilians;

Whereas since 1949 the Magen David Adom Society has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David, the only such national organization denied membership in the Movement;

Whereas the red cross symbol was intended as the visible expression of the neutral status enjoyed by the medical services of the armed forces and the protection thus conferred, and there is not, and has never been, any implicit religious connection in the cross;

Whereas since its establishment in 1930, the Magen David Adom Society, because it does not use either a red cross or a red crescent, has been prevented from full membership in the International Red Cross and Red Crescent Movement;

Whereas Israel acceded to the Geneva Conventions in 1951 with a reservation specifying their intent to continue to use the Magen David Adom;

Whereas international consultations among nations and national Red Cross Societies ensued until 1999, when the International Committee of the Red Cross formally called for adoption of a protocol to the Geneva Conventions creating a third neutral symbol; allowing the use of either the Red Cross, the Red Crescent, or the third neutral symbol; and allowing for the third neutral symbol to be used in combination with other national Red Cross Society symbols—including the Magen David Adom;

Whereas a diplomatic conference to adopt this proposal into the Geneva Conventions was scheduled for October 2000, but was prevented by the outbreak of the second Palestinian intifada;

Whereas the United States and the American Red Cross have worked ceaselessly to resolve the issue of the third neutral symbol and achieve full membership in the International Red Cross and Red Crescent Movement for the Magen David Adom Society;

Whereas Congress has insisted that funds made available to the International Committee of the Red Cross be contingent on a certification by the Secretary of State confirming that the Magen David Adom Society is a full participant in the activities of the International Committee of the Red Cross;

Whereas the American Red Cross has stood alone among all the national humanitarian aid societies, and has withheld over \$45,000,000 in dues to the Federation of the Red Cross and Red Crescent Societies to protest the exclusion of the Magen David Adom;

Whereas the Government of Switzerland, the depositary state for the Geneva Conventions, convened a Diplomatic Con-

ference of the states parties to the Geneva Conventions in December 2005 for the purpose of adopting a Third Additional Protocol and rightly resisted efforts to block the broad international consensus in favor of resolving the third neutral symbol question;

Whereas the efforts by the United States and the American Red Cross at the Diplomatic Conference in December 2005 were critical to achieving both an overwhelming positive vote in favor of adopting the Third Additional Protocol to the Geneva Conventions, as well as an extremely important memorandum of understanding between the Magen David Adom and the Palestinian Red Crescent Society;

Whereas sustaining international support for the adoption of the third neutral symbol against efforts to divert the conference into unrelated political matters required extraordinary diplomatic efforts by the United States and the American Red Cross;

Whereas the Third Additional Protocol adopted in Geneva in December 2005 established the new third neutral symbol, the “red crystal” that can be used in conjunction with the Red Shield of David and cleared the way for Israeli membership in the international movement;

Whereas in June 2006 the states parties to the Geneva Conventions, the national humanitarian aid societies, the Federation of the Red Cross and Red Crescent Societies, and the International Committee of the Red Cross and Red Crescent met in Geneva to adopt rules implementing the Third Additional Protocol; and

Whereas at the June 2006 meeting in Geneva, the International Red Cross and Red Crescent Movement accepted

the Magen David Adom Society as a full member: Now, therefore,

1 *Resolved by the House of Representatives (the Senate*
2 *concurring), That—*

3 (1) Congress—

4 (A) commends the Magen David Adom So-
5 ciety for its long and distinguished record of
6 providing humanitarian assistance to all those
7 in need of aid, even those responsible for heinous
8 atrocities against Israeli civilians;

9 (B) congratulates the Magen David Adom
10 Society, and the Government and the people of
11 the State of Israel, for securing full member-
12 ship in the International Red Cross and Red
13 Crescent Movement, 57 years past due;

14 (C) thanks the President, the Secretary of
15 State, and United States diplomatic representa-
16 tives for their tireless pursuit and maintenance
17 of the international consensus that culminated
18 in the Magen David Adom Society's recent ac-
19 ceptance as a full member in the International
20 Red Cross and Red Crescent Movement;

21 (D) thanks the American Red Cross for its
22 unwavering and unyielding insistence within the
23 International Red Cross and Red Crescent
24 Movement that the principles of international

1 humanitarian law could not be reconciled with
2 continued exclusion of the Magen David Adom
3 Society; and

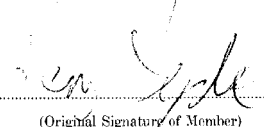
4 (E) thanks the Government of Switzerland
5 and officials of the International Committee of
6 the Red Cross for helping to prepare the nec-
7 essary consensus and carrying to completion the
8 adoption of the Third Additional Protocol by
9 the states parties to the Geneva Conventions
10 and the rules for its implementation; and

11 (2) Congress commends the President for—

12 (A) submitting the Third Additional Pro-
13 tocol to the Geneva Conventions to the Senate
14 for its advice and consent; and

15 (B) pending approval by the Senate, pre-
16 paring for congressional consideration and en-
17 actment of legislation necessary to carry into ef-
18 fect the Third Additional Protocol to the Gene-
19 va Conventions.

Chairman HYDE. Pursuant to notice, I call up the bill, H.R. 5682, To exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India for purposes of markup and move its favorable recommendation to the House. Without objection, the bill will be considered as read and open for amendment at any point.
[H.R. 5682 follows:]


(Original Signature of Member)

109TH CONGRESS
2D SESSION

H. R. 5682

To exempt from certain requirements of the Atomic Energy Act of 1954
a proposed nuclear agreement for cooperation with India.

IN THE HOUSE OF REPRESENTATIVES

Mr. HYDE (for himself, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ACKERMAN,
and [REDACTED]) introduced the following bill; which
was referred to the Committee on _____

Mr. Burton, Mr. Wilson, S.C., Mr. Faleomavaega, _____

Mr. Engel, Mr. Crowley, Mr. Etheridge

A BILL

To exempt from certain requirements of the Atomic Energy
Act of 1954 a proposed nuclear agreement for coopera-
tion with India.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "United States and
5 India Nuclear Cooperation Promotion Act of 2006".

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—



1 (1) preventing the proliferation of nuclear
2 weapons, other weapons of mass destruction, the
3 means to produce them, and the means to deliver
4 them are critical objectives for United States foreign
5 policy;

6 (2) sustaining the NPT and strengthening its
7 implementation, particularly its verification and
8 compliance, is the keystone of United States non-
9 proliferation policy;

10 (3) the NPT has been a significant success in
11 preventing the acquisition of nuclear weapons capa-
12 bilities and maintaining a stable international secu-
13 rity situation;

14 (4) countries that have never become a party to
15 the NPT and remain outside that treaty's legal re-
16 gime pose a potential challenge to the achievement
17 of the overall goals of global nonproliferation, be-
18 cause those countries have not undertaken the
19 NPT's international obligation to prohibit the spread
20 of dangerous nuclear technologies;

21 (5) it is in the interest of the United States to
22 the fullest extent possible to ensure that those coun-
23 tries that are not NPT members are responsible
24 with any nuclear technology they develop;

1 (6) it may be in the interest of the United
2 States to enter into an agreement for nuclear co-
3 operation as set forth in section 123 of the Atomic
4 Energy Act of 1954 (42 U.S.C. 2153) with a coun-
5 try that has never been an NPT member with re-
6 spect to civilian nuclear technology if—

7 (A) the country has demonstrated respon-
8 sible behavior with respect to the nonprolifera-
9 tion of technology related to weapons of mass
10 destruction programs and the means to deliver
11 them;

12 (B) the country has a functioning and un-
13 interrupted democratic system of government,
14 has a foreign policy that is congruent to that of
15 the United States, and is working with the
16 United States in key foreign policy initiatives
17 related to non-proliferation;

18 (C) such cooperation induces the country
19 to implement the highest possible protections
20 against the proliferation of technology related
21 to weapons of mass destruction programs and
22 the means to deliver them, and to refrain from
23 actions that would further the development of
24 its nuclear weapons program; and

1 (D) such cooperation will induce the coun-
2 try to give greater political and material sup-
3 port to the achievement of United States global
4 and regional nonproliferation objectives, espe-
5 cially with respect to dissuading, isolating, and,
6 if necessary, sanctioning and containing states
7 that sponsor terrorism and terrorist groups,
8 that are seeking to acquire a nuclear weapons
9 capability or other weapons of mass destruction
10 capability and the means to deliver such weap-
11 ons; and

12 (7)(A) India meets the criteria described in this
13 subsection; and

14 (B) it is in the national security interest of the
15 United States to deepen its relationship with India
16 across a full range of issues, including peaceful nu-
17 clear cooperation.

18 **SEC. 3. STATEMENTS OF POLICY.**

19 (a) IN GENERAL.—The following shall be the policies
20 of the United States:

21 (1) Oppose the development of a capability to
22 produce nuclear weapons by any non-nuclear weapon
23 state, within or outside of the Treaty on the Non-
24 Proliferation of Nuclear Weapons (21 UST 483;

1 commonly referred to as the “Nuclear Non-Pro-
2 liferation Treaty” or the “NPT”).

3 (2) Encourage states party to the NPT to in-
4 terpret the right to “develop research, production
5 and use of nuclear energy for peaceful purposes”, as
6 described in Article IV of the NPT, as being a quali-
7 fied right that is conditioned by the overall purpose
8 of the NPT to prevent the spread of nuclear weap-
9 ons and nuclear weapons capability, including by re-
10 fraining from all nuclear cooperation with any state
11 party that has not demonstrated that it is in full
12 compliance with its NPT obligations, as determined
13 by the IAEA.

14 (3) Strengthen the Nuclear Suppliers Group
15 guidelines concerning consultation by members re-
16 garding violations of supplier and recipient under-
17 standings by instituting the practice of a timely and
18 coordinated response by NSG members to all such
19 violations, including termination of nuclear transfers
20 to an involved recipient, that discourages individual
21 NSG members from continuing cooperation with
22 such recipient until such time as a consensus regard-
23 ing a coordinated response has been achieved.

1 (b) WITH RESPECT TO SOUTH ASIA.—The following
2 shall be the policies of the United States with respect to
3 South Asia:

4 (1) Achieve a moratorium on the production of
5 fissile material for nuclear explosive purposes by
6 India, Pakistan, and the People's Republic of China
7 at the earliest possible date.

8 (2) Achieve, at the earliest possible date, the
9 conclusion and implementation of a treaty banning
10 the production of fissile material for nuclear weap-
11 ons to which both the United States and India be-
12 come parties.

13 (3) Secure India's—

14 (A) full participation in the Proliferation
15 Security Initiative;

16 (B) formal commitment to the Statement
17 of Interdiction Principles;

18 (C) public announcement of its decision to
19 conform its export control laws, regulations,
20 and policies with the Australia Group and with
21 the Guidelines, Procedures, Criteria, and Con-
22 trol Lists of the Wassenaar Arrangement;

23 (D) demonstration of satisfactory progress
24 toward implementing the decision described in
25 subparagraph (C); and

1 (E) ratification of or accession to the Con-
2 vention on Supplementary Compensation for
3 Nuclear Damage, done at Vienna on September
4 12, 1997.

5 (4) Secure India's full and active participation
6 in United States efforts to dissuade, isolate, and, if
7 necessary, sanction and contain Iran for its efforts
8 to acquire weapons of mass destruction, including a
9 nuclear weapons capability (including the capability
10 to enrich or process nuclear materials), and the
11 means to deliver weapons of mass destruction.

12 (5) Seek to halt the increase of nuclear weapon
13 arsenals in South Asia, and to promote their reduc-
14 tion and eventual elimination.

15 **SEC. 4. WAIVER AUTHORITY AND CONGRESSIONAL AP-**
16 **PROVAL.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, if the President makes the determination de-
19 scribed in subsection (b), the President may—

20 (1) exempt a proposed agreement for nuclear
21 cooperation with India (arranged pursuant to section
22 123 of the Atomic Energy Act of 1954 (42 U.S.C.
23 2153)) from the requirement in section 123 a.(2) of
24 such Act, and such agreement for cooperation may

1 only enter into force in accordance with subsections
2 (f) and (g);

3 (2) waive the application of section 128 of the
4 Atomic Energy Act of 1954 (42 U.S.C. 2157) with
5 respect to India, provided that such waiver shall
6 cease to be effective if the President determines that
7 India has engaged in any activity described section
8 129 of such Act (42 U.S.C. 2158), other than sec-
9 tion 129 a.(1)(D) or section 129 a.(2)(C) of such
10 Act, at any time after the date of the enactment of
11 this Act; and

12 (3) with respect to India—

13 (A) waive the restrictions of section 129
14 a.(1)(A) of the Atomic Energy Act of 1954 (42
15 U.S.C. 2158 a.(1)(A)) for any activity that oc-
16 curred on or before July 18, 2005; and

17 (B) section 129 a.(1)(D) of such Act.

18 (b) DETERMINATION BY THE PRESIDENT.—The de-
19 termination referred to in subsection (a) is a determina-
20 tion by the President that the following actions have oc-
21 curred:

22 (1) India has provided the United States and
23 the International Atomic Energy Agency with a
24 credible plan to separate civil and military nuclear
25 facilities, materials, and programs, and has filed a

1 declaration regarding its civil facilities with the
2 IAEA.

3 (2) India and the IAEA have concluded an
4 agreement requiring the application of IAEA safe-
5 guards in perpetuity in accordance with IAEA
6 standards, principles, and practices (including IAEA
7 Board of Governors Document GOV/1621 (1973))
8 to India's civil nuclear facilities, materials, and pro-
9 grams as declared in the plan described in para-
10 graph (1), including materials used in or produced
11 through the use of India's civil nuclear facilities.

12 (3) India and the IAEA are making substantial
13 progress toward concluding an Additional Protocol
14 consistent with IAEA principles, practices, and poli-
15 cies that would apply to India's civil nuclear pro-
16 gram.

17 (4) India is working actively with the United
18 States for the early conclusion of a multilateral
19 Fissile Material Cutoff Treaty.

20 (5) India is working with and supporting
21 United States and international efforts to prevent
22 the spread of enrichment and reprocessing tech-
23 nology.

1 (6) India is taking the necessary steps to secure
2 nuclear and other sensitive materials and technology,
3 including through—

4 (A) the enactment and enforcement of
5 comprehensive export control legislation and
6 regulations;

7 (B) harmonization of its export control
8 laws, regulations, policies, and practices with
9 the policies and practices of the Missile Tech-
10 nology Control Regime and the Nuclear Sup-
11 pliers Group; and

12 (C) adherence to the MTCR and the NSG
13 in accordance with the procedures of those re-
14 gimes for unilateral adherence.

15 (7) The NSG has decided by consensus to per-
16 mit supply to India of nuclear items covered by the
17 guidelines of the NSG.

18 (c) SUBMISSION TO CONGRESS.—

19 (1) IN GENERAL.—The President shall submit
20 to the Committee on International Relations of the
21 House of Representatives and the Committee on
22 Foreign Relations of the Senate information con-
23 cerning any determination made pursuant to sub-
24 section (b), together with a report detailing the basis
25 for the determination.

1 (2) INFORMATION TO BE INCLUDED.—To the
2 fullest extent available to the United States, the in-
3 formation referred to in paragraph (1) shall include
4 the following:

5 (A) A summary of the plan provided by
6 India to the United States and the IAEA to
7 separate India's civil and military nuclear facili-
8 ties, materials, and programs, and the declara-
9 tion made by India to the IAEA identifying In-
10 dia's civil facilities to be placed under IAEA
11 safeguards, including an analysis of the credi-
12 bility of such plan and declaration, together
13 with copies of the plan and declaration.

14 (B) A summary of the agreement that has
15 been entered into between India and the IAEA
16 requiring the application of safeguards in ac-
17 cordance with IAEA practices to India's civil
18 nuclear facilities as declared in the plan de-
19 scribed in subparagraph (A), together with a
20 copy of the agreement, and a description of the
21 progress toward its full implementation.

22 (C) A summary of the progress made to-
23 ward conclusion and implementation of an Ad-
24 ditional Protocol between India and the IAEA,

1 including a description of the scope of such Ad-
2 ditional Protocol.

3 (D) A description of the steps that India
4 is taking to work with the United States for the
5 conclusion of a multilateral treaty banning the
6 production of fissile material for nuclear weap-
7 ons, including a description of the steps that
8 the United States has taken and will take to
9 encourage India to identify and declare a date
10 by which India would be willing to stop produc-
11 tion of fissile material for nuclear weapons uni-
12 laterally or pursuant to a multilateral morato-
13 rium or treaty.

14 (E) A description of the steps India is tak-
15 ing to prevent the spread of nuclear-related
16 technology, including enrichment and reprocess-
17 ing technology or materials that can be used to
18 acquire a nuclear weapons technology, as well
19 as the support that India is providing to the
20 United States to further United States objec-
21 tives to restrict the spread of such technology.

22 (F) A description of the steps that India is
23 taking to secure materials and technology appli-
24 cable for the development, acquisition, or manu-
25 facture of weapons of mass destruction and the

1 means to deliver such weapons through the ap-
2 plication of comprehensive export control legis-
3 lation and regulations, and through harmoni-
4 zation and adherence to Missile Technology
5 Control Regime, the Nuclear Suppliers Group,
6 the Australia Group, Wassenaar guidelines,
7 and United Nations Security Council Resolution
8 1540, and participation in the Proliferation Se-
9 curity Initiative.

10 (G) A description of the decision taken
11 within the Nuclear Suppliers Group relating to
12 nuclear cooperation with India, including
13 whether nuclear cooperation by the United
14 States under an agreement for cooperation ar-
15 ranged pursuant to section 123 of the Atomic
16 Energy Act of 1954 (42 U.S.C. 2153) is con-
17 sistent with the decision, practices, and policies
18 of the NSG.

19 (H) A description of the scope of peaceful
20 cooperation envisioned by the United States
21 and India that will be implemented under the
22 Agreement for Nuclear Cooperation, including
23 whether such cooperation will include the provi-
24 sion of enrichment and reprocessing technology.

1 (d) RESTRICTIONS ON NUCLEAR TRANSFERS TO
2 INDIA.—

3 (1) IN GENERAL.—Notwithstanding the entry
4 into force of an agreement for cooperation with
5 India pursuant to section 123 of the Atomic Energy
6 Act of 1954 (42 U.S.C. 2153) and approved pursu-
7 ant to this Act, no item subject to such agreement
8 or subject to the transfer guidelines of the NSG may
9 be transferred to India if such transfer would violate
10 the transfer guidelines of the NSG as in effect on
11 the date of the transfer.

12 (2) TERMINATION OF NUCLEAR TRANSFERS TO
13 INDIA.—Notwithstanding the entry into force of an
14 agreement for nuclear cooperation with India (ar-
15 ranged pursuant to section 123 of the Atomic En-
16 ergy Act of 1954 (42 U.S.C. 2153)), exports of nu-
17 clear and nuclear-related material, equipment, or
18 technology to India shall be terminated if India
19 makes any materially significant transfer of—

20 (A) nuclear or nuclear-related material,
21 equipment, or technology that does not conform
22 to NSG guidelines, or

23 (B) ballistic missiles or missile-related
24 equipment or technology that does not conform
25 to MTCR guidelines,

1 unless the President determines that cessation of
2 such exports would be seriously prejudicial to the
3 achievement of United States nonproliferation objec-
4 tives or otherwise jeopardize the common defense
5 and security.

6 (3) PROHIBITION ON NUCLEAR TRANSFERS TO
7 INDIA.—If nuclear transfers to India are restricted
8 pursuant to this Act, the Atomic Energy Act of
9 1954, or the Arms Export Control Act, the Presi-
10 dent should seek to prevent the transfer to India of
11 nuclear equipment, materials, or technology from
12 other participating governments in the NSG or from
13 any other source.

14 (e) APPROVAL OF AGREEMENT FOR NUCLEAR CO-
15 OPERATION REQUIRED.—

16 (1) IN GENERAL.—Subject to subsection (m),
17 an agreement for nuclear cooperation between the
18 United States and India submitted pursuant to this
19 section may become effective only if—

20 (A) the President submits to Congress the
21 agreement concluded between the United States
22 and India, including a copy of the safeguards
23 agreement entered into between the IAEA and
24 India relating to India's declared civilian nu-
25 clear facilities, in accordance with the require-

1 ments and procedures of section 123 of the
2 Atomic Energy Act of 1954 (other than section
3 123 a.(2) of such Act) that are otherwise not
4 inconsistent with the provisions of this Act; and
5 (B) after the submission under subpara-
6 graph (A), the agreement is approved by a joint
7 resolution that is enacted into law.

8 (2) CONSULTATION.—Beginning one month
9 after the date of the enactment of this Act and every
10 month thereafter until the President submits to Con-
11 gress the agreement referred to in paragraph (1),
12 the President should consult with the Committee on
13 International Relations of the House of Representa-
14 tives and the Committee on Foreign Relations of the
15 Senate regarding the status of the negotiations be-
16 tween the United States and India with respect to
17 civilian nuclear cooperation and between the IAEA
18 and India with respect to the safeguards agreement
19 described in subsection (b)(2).

20 (f) JOINT RESOLUTION.—For purposes of this sec-
21 tion, a joint resolution referred to in subsection (e)(1)(B)
22 is a joint resolution of the two Houses of Congress—

23 (1) the matter after the resolving clause of
24 which is as follows: “That the Congress hereby ap-
25 proves the Agreement for Nuclear Cooperation Be-

1 tween the United States of America and the Repub-
2 lic of India submitted by the President on
3 _____.”, with the blank space
4 being filled with the appropriate date;

5 (2) which does not have a preamble; and

6 (3) the title of which is as follows: “Joint Reso-
7 lution Approving an Agreement for Nuclear Co-
8 operation Between the United States and India”.

9 (g) INTRODUCTION AND REFERRAL.—

10 (1) INTRODUCTION.—A joint resolution shall,
11 on the day on which the submissions under sub-
12 section (e)(1)(A) are made (or, if either House of
13 Congress is not in session on that day, the first day
14 thereafter when that House is in session)—

15 (A) be introduced in the House of Rep-
16 resentatives by the majority leader, for himself
17 and the minority leader of the House, or by
18 Members of the House designated by the major-
19 ity leader and minority leader of the House;
20 and

21 (B) be introduced in the Senate by the ma-
22 jority leader, for himself and the minority lead-
23 er of the Senate, or by Members of the Senate
24 designated by the majority leader and minority
25 leader of the Senate.

1 If either House of Congress is not in session on that
2 day, the joint resolution shall be introduced on the
3 first day thereafter when both Houses are in session.

4 (2) REFERRAL.—The joint resolution shall be
5 referred to the Committee on International Relations
6 of the House of Representatives and to the Com-
7 mittee on Foreign Relations of the Senate.

8 (h) DISCHARGE OF COMMITTEES.—If a committee to
9 which a joint resolution is referred has not reported such
10 joint resolution by the end of 60 days beginning on the
11 date of its introduction, or the date of the submission of
12 the nonproliferation assessment statement described in
13 section 123 of the Atomic Energy Act of 1954 (42 U.S.C.
14 2153), whichever is later, such committee shall be dis-
15 charged from further consideration of such joint resolu-
16 tion, and such joint resolution shall be placed on the ap-
17 propriate calendar of the House involved.

18 (i) FLOOR CONSIDERATION IN THE HOUSE OF REP-
19 RESENTATIVES.—

20 (1) IN GENERAL.—On or after the third cal-
21 endar day (excluding Saturdays, Sundays, or legal
22 holidays, except when the House of Representatives
23 is in session on such a day) after the date on which
24 the committee to which a joint resolution is referred
25 has reported, or has been discharged from further

1 consideration of, such a joint resolution, it shall be
2 in order for any Member of the House to move to
3 proceed to the consideration of the joint resolution.
4 A Member of the House may make the motion only
5 on the day after the calendar day on which the
6 Member announces to the House the Member's in-
7 tention to do so. Such motion shall be privileged and
8 shall not be debatable. The motion shall not be sub-
9 ject to amendment or to a motion to postpone. A
10 motion to reconsider the vote by which the motion
11 is agreed to shall not be in order. If a motion to pro-
12 ceed to the consideration of the joint resolution is
13 agreed to, the House shall immediately proceed to
14 consideration of the joint resolution which shall re-
15 main the unfinished business until disposed of.

16 (2) DEBATE.—Debate on a joint resolution, and
17 on all debatable motions and appeals in connection
18 therewith, shall be limited to not more than six
19 hours, which shall be divided equally between those
20 favoring and those opposing the joint resolution. An
21 amendment to the joint resolution shall not be in
22 order. A motion to further limit debate shall be in
23 order and shall not be debatable. A motion to table,
24 a motion to postpone, or a motion to recommit the
25 joint resolution shall not be in order. A motion to re-

1 consider the vote by which the joint resolution is
2 agreed to or disagreed to shall not be in order.

3 (3) APPEALS.—Appeals from the decisions of
4 the Chair to the procedure relating to a joint resolu-
5 tion shall be decided without debate.

6 (j) FLOOR CONSIDERATION IN THE SENATE.—Any
7 joint resolution shall be considered in the Senate in ac-
8 cordance with the provisions of section 601(b)(4) of the
9 International Security Assistance and Arms Export Con-
10 trol Act of 1976.

11 (k) CONSIDERATION BY THE OTHER HOUSE.—If, be-
12 fore the passage by one House of a joint resolution of that
13 House, that House receives a joint resolution from the
14 other House, then the following procedures shall apply:

15 (1) The joint resolution of the other House
16 shall not be referred to a committee and may not be
17 considered in the House receiving it except in the
18 case of final passage as provided in paragraph
19 (2)(B).

20 (2) With respect to a joint resolution of the
21 House receiving the joint resolution—

22 (A) the procedure in that House shall be
23 the same as if no joint resolution had been re-
24 ceived from the other House; but

1 (B) the vote on final passage shall be on
2 the joint resolution of the other House.

3 (3) Upon disposition of the joint resolution re-
4 ceived from the other House, it shall no longer be
5 in order to consider the joint resolution that origi-
6 nated in the receiving House.

7 (l) COMPUTATION OF DAYS.—In the computation of
8 the period of 60 days referred to in subsection (h), there
9 shall be excluded the days on which either House of Con-
10 gress is not in session because of an adjournment of more
11 than 3 days to a day certain or because of an adjournment
12 of the Congress sine die.

13 (m) SECTION 123 OF ATOMIC ENERGY ACT NOT AF-
14 FECTED.—Notwithstanding subsection (e)(1), this section
15 does not preclude the approval, under section 123 of the
16 Atomic Energy Act of 1954 (42 U.S.C. 2153), of an
17 agreement for cooperation in which India is the cooper-
18 ating party.

19 (n) SUNSET.—The procedures under this section
20 shall cease to be effective upon the enactment of a joint
21 resolution under this section.

22 (o) REPORTS.—

23 (1) POLICY OBJECTIVES.—The President shall,
24 not later than January 31, 2007, and not later than
25 January 31 of each year thereafter, submit to the

1 Committee on International Relations of the House
2 of Representatives and the Committee on Foreign
3 Relations of the Senate a report on—

4 (A) the extent to which each policy objec-
5 tive in section 3(b) has been achieved;

6 (B) the steps taken by the United States
7 and India in the preceding calendar year to ac-
8 complish those objectives;

9 (C) the extent of cooperation by other
10 countries in achieving those objectives; and

11 (D) the steps the United States will take
12 in the current calendar year to accomplish those
13 objectives.

14 (2) NUCLEAR EXPORTS TO INDIA.—

15 (A) IN GENERAL.—Not later than one year
16 after the date on which an agreement for nu-
17 clear cooperation between the United States
18 and India is approved by Congress under sec-
19 tion 4(f) and every year thereafter, the Presi-
20 dent shall submit to the Committee on Inter-
21 national Relations of the House of Representa-
22 tives and the Committee on Foreign Relations
23 of the Senate a report describing United States
24 exports to India for the preceding year pursu-
25 ant to such agreement and the anticipated ex-

1 ports to India for the next year pursuant to
2 such agreement.

3 (B) NUCLEAR FUEL.—The report de-
4 scribed in subparagraph (A) shall also include
5 (in a classified form if necessary)—

6 (i) an estimate for the previous year
7 of the amount of uranium mined in India;

8 (ii) the amount of such uranium that
9 has likely been used or allocated for the
10 production of nuclear explosive devices;

11 (iii) the rate of production of—

12 (I) fissile material for nuclear ex-
13 plosive devices; and

14 (II) nuclear explosive devices;
15 and

16 (iv) an analysis as to whether im-
17 ported uranium has affected such rate of
18 production of nuclear explosive devices.

19 (p) DEFINITIONS.—In this Act:

20 (1) IAEA.—The term “IAEA” means the
21 International Atomic Energy Agency.

22 (2) MTCR.—The term “MTCR” means the
23 Missile Technology Control Regime.

24 (3) NPT.—The term “NPT” means the Treaty
25 on the Non-Proliferation of Nuclear Weapons.

- 1 (4) NPT MEMBER.—The term “NPT member”
2 means a country that is a party to the NPT.
- 3 (5) NSG.—The term “NSG” means the Nu-
4 clear Suppliers Group.

Chairman HYDE. Today's markup is of H.R. 5682. This bill is a modified version of H.R. 4974, which Mr. Lantos and I introduced last year at the request of Secretary Rice. I want to take a very few minutes to explain the principal changes that have been made to that original proposal.

Over the course of the past several months, the Committee has held five hearings, benefitted from the counsel of scores of experts across the country, had numerous briefings by Administration officials, and conducted extensive research, notably, with the assistance of the Congressional Research Service. As a result of this comprehensive process, we now have much greater clarity regarding the many elements of this very complex subject. The knowledge gained has governed the crafting of the legislation Mr. Lantos and I have introduced and that is now before this Committee.

This new bill is based upon the Administration's original proposal but has been amended with several significant changes, the most prominent of which concerns the role of Congress. I must note at the outset that the original bill was conceived in a profoundly unsatisfactory manner in several respects. It would have granted the Administration an unprecedented and sweeping freedom of action by waiving almost wholesale the existing laws regarding civil nuclear commerce with foreign countries even as it reduced the role of Congress to a bare minimum. In effect, Congress was being asked to vote to remove itself from the process almost entirely and abandon its constitutional role.

H.R. 5682 changes the process by which Congress will consider and pass judgment on a negotiated agreement regarding civil nuclear cooperation with India. Whereas in the Administration's version, Congress would have been restricted to a relatively minor role of review and able to make its influence felt only with heroic effort, the new language restores its traditional role in these types of agreements.

Once an agreement has been submitted to Congress, it must be approved by both Houses by means of an unamendable joint resolution of approval and an up or down vote.

To open the door to amendments to a negotiated agreement would, in effect, to render the process of negotiation untenable. That approval, however, is by no means assured. So I would caution the Administration to pay close attention to congressional concerns. To further strengthen the role of Congress, a number of reporting requirements and other consultative measures have been added, but I will not describe those in detail as they are comprehensible by a straightforward reading of the text.

A Sense of Congress section has been added that lays out conditions regarding when civil nuclear cooperation with other countries may be in order. In addition, there is a statement of policy section that clarifies United States policy in a number of areas, in particular, the nuclear suppliers group, the interpretation of the Nuclear Non-Proliferation Treaty, and a series of goals regarding India and South Asia.

Regarding the key section of the bill, namely, the waivers to existing law needed to allow civil nuclear trade with India to proceed, the certifications the President will need to make have been significantly tightened and broadened with a focus on ensuring that India

actually accomplish several difficult goals that our two countries have already agreed must take place.

The provisions regarding the nuclear suppliers group have been significantly strengthened.

That is a brief overview of the changes to the President's original proposal. I know there will be a number of amendments offered today. I should note that we have already gone to great lengths to incorporate several suggestions from Members, all of which have improved the text. There are also some that have been put forward and considered but which we could not include for a variety of reasons ranging from not being germane to imposing conditions on India or the Administration which would have had the effect of killing any possibility of an agreement.

I do not intend to vote for any of the amendments of which I am aware except a couple which we are going to upset. I would ask other Members to refrain from supporting the amendment.

The Chair notes the presence of a reporting quorum, and, without objection, the Committee orders favorably reported the bill, H.R. 4014, the Millennium Challenge Reauthorization Act of 2005. The amendment in the nature of a substitute which the Members have before them will be deemed adopted, and all Members are given leave to insert their remarks on this bill in the record.

[The information referred to follows:]

109TH CONGRESS
1ST SESSION

H. R. 4014

To reauthorize the Millennium Challenge Act of 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2005

Mr. HYDE (for himself and Mr. LANTOS) introduced the following bill; which
was referred to the Committee on International Relations

A BILL

To reauthorize the Millennium Challenge Act of 2003, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Millennium Challenge Reauthorization Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Declaration of policy.

TITLE I—AMENDMENTS TO THE MILLENNIUM CHALLENGE ACT OF 2003

Sec. 101. Purposes.
Sec. 102. Establishment and management of the Millennium Challenge Cor-
poration.

Sec. 103. Authorization of assistance.
 Sec. 104. Candidate countries.
 Sec. 105. Eligible countries.
 Sec. 106. Millennium Challenge Compact.
 Sec. 107. Congressional and public notification of Compact.
 Sec. 108. Suspension and termination of assistance.
 Sec. 109. Disclosure.
 Sec. 110. Annual report.
 Sec. 111. Powers of the Corporation; related provisions.
 Sec. 112. Assistance to certain candidate countries.
 Sec. 113. General personnel authorities.
 Sec. 114. Publicity and identification of programs, projects, and activities.
 Sec. 115. Authorization of appropriations.

TITLE II—TRANSFER OF THE MILLENNIUM CHALLENGE ACT OF
 2003 TO THE FOREIGN ASSISTANCE ACT OF 1961

Sec. 201. Transfer of the Millennium Challenge Act of 2003 to the Foreign Assistance Act of 1961.
 Sec. 202. Conforming amendment.

1 **SEC. 2. DECLARATION OF POLICY.**

2 Congress declares the following:

3 (1) The Millennium Challenge Act of 2003 (22
 4 U.S.C. 7701 et seq.) is the most important approach
 5 to development assistance in a generation and is a
 6 model for facilitating the transformation of needy
 7 societies into communities of opportunity.

8 (2) It is the policy of the United States to con-
 9 tinue to provide assistance under the Millennium
 10 Challenge Act of 2003 to reduce overall poverty
 11 through sustainable economic growth and develop-
 12 ment in countries that receive assistance under such
 13 Act.

1 **TITLE I—AMENDMENTS TO THE**
2 **MILLENNIUM CHALLENGE**
3 **ACT OF 2003**

4 **SEC. 101. PURPOSES.**

5 Section 602(2) of the Millennium Challenge Act of
6 2003 (22 U.S.C. 7701(2)) is amended by striking “pro-
7 motes economic growth and the elimination of extreme
8 poverty” and inserting “promotes the reduction of overall
9 poverty through sustainable economic growth and develop-
10 ment”.

11 **SEC. 102. ESTABLISHMENT AND MANAGEMENT OF THE MIL-**
12 **LENNIUM CHALLENGE CORPORATION.**

13 (a) CHIEF EXECUTIVE OFFICER.—Section 604(b)(2)
14 of the Millennium Challenge Act of 2003 (22 U.S.C.
15 7703(b)(2)) is amended—

16 (1) by striking “APPOINTMENT” and all that
17 follows through “the Chief Executive Officer shall be
18 appointed” and inserting the following: “APPOINT-
19 MENT.—The Chief Executive Officer shall be ap-
20 pointed”; and

21 (2) by striking subparagraph (B).

22 (b) BOARD OF DIRECTORS.—It is the sense of Con-
23 gress that the President should appoint to the Board of
24 Directors of the Millennium Challenge Corporation the in-
25 dividuals described in section 604(c)(3)(B) of the Millen-

1 nium Challenge Act of 2003 (22 U.S.C. 7703(c)(3)(B)),
 2 as soon as possible after the congressional leadership sub-
 3 mits to the President the lists of individuals for nomina-
 4 tion to the Board of Directors pursuant to clauses (i)
 5 through (iv) of section 604(c)(3)(B) such Act.

6 **SEC. 103. AUTHORIZATION OF ASSISTANCE.**

7 Section 605(a) of the Millennium Challenge Act of
 8 2003 (22 U.S.C. 7704(a)) is amended by striking “in
 9 achieving lasting economic growth and poverty reduction”
 10 and inserting “in reducing overall poverty through sus-
 11 tainable economic growth and development”.

12 **SEC. 104. CANDIDATE COUNTRIES.**

13 (a) LOW INCOME COUNTRIES.—Section 606(a)(2)(A)
 14 of the Millennium Challenge Act of 2003 (22 U.S.C.
 15 7705(a)(2)(A)) is amended—

16 (1) by striking “(A)” and inserting “(A)(i)”;
 17 (2) by striking “and” at the end and inserting
 18 “or” ; and

19 (3) by adding at the end the following new
 20 clause:

21 “(ii) the average per capita income of the
 22 country for the fiscal year involved and the 2
 23 fiscal years most recently preceding the fiscal
 24 year involved is equal to or less than the histor-
 25 ical ceiling of the International Development

1 Association for the fiscal year involved, and the
2 country is eligible for assistance from the Inter-
3 national Development Association; and”.

4 (b) LOWER MIDDLE INCOME COUNTRIES.—Section
5 606(b)(1) of the Millennium Challenge Act of 2003 (22
6 U.S.C. 7705(b)(1)) is amended to read as follows:

7 “(1) IN GENERAL.—In addition to countries de-
8 scribed in subsection (a), a country shall be a can-
9 didate country for purposes of eligibility for assist-
10 ance for fiscal year 2006 or a subsequent fiscal year
11 if—

12 “(A) the average of the income classifica-
13 tion of the country in the then current edition
14 of the World Development Report for Recon-
15 struction and Development published by the
16 International Bank for Reconstruction and De-
17 velopment and the 2 most recently preceding
18 editions of the report is ‘lower-middle-income
19 economy’; and

20 “(B) the country meets the requirements
21 of subsection (a)(1)(B)”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 subsections (a) and (b) apply with respect to eligibility of
24 countries for assistance under the Millennium Challenge

1 Act of 2003 (22 U.S.C. 7701 et seq.) for fiscal year 2007
2 and subsequent fiscal years.

3 **SEC. 105. ELIGIBLE COUNTRIES.**

4 (a) CRITERIA.—Section 607(b) of the Millennium
5 Challenge Act of 2003 (22 U.S.C. 7706(b)) is amended—

6 (1) in paragraph (1)(B), by inserting at the end
7 before the semicolon the following: “and refugees”;

8 and

9 (2) in paragraph (2)(A), by striking “citizens”
10 and inserting “individuals”.

11 (b) SELECTION BY THE BOARD.—Section
12 607(c)(2)(B) of the Millennium Challenge Act of 2003 (22
13 U.S.C. 7706(c)(2)(B)) is amended by striking “and gen-
14 erate” and inserting “through”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 subsections (a) and (b) apply with respect to eligibility of
17 countries for assistance under the Millennium Challenge
18 Act of 2003 (22 U.S.C. 7701 et seq.) for fiscal year 2007
19 and subsequent fiscal years.

20 **SEC. 106. MILLENNIUM CHALLENGE COMPACT.**

21 (a) ELEMENTS.—

22 (1) AMENDMENTS.—Section 609(b)(1) of the
23 Millennium Challenge Act of 2003 (22 U.S.C.
24 7708(b)(1)) is amended—

25 (A) in subparagraph (D)—

1 (i) by inserting before “an identifica-
2 tion” the following: “in order to dem-
3 onstrate that programs in Compacts are
4 designed to reduce overall poverty through
5 sustainable economic growth and develop-
6 ment,”; and

7 (ii) by adding at the end before the
8 semicolon the following: “, and an analysis
9 of how the intended beneficiaries will par-
10 ticipate in, or be impacted by, each
11 project”;

12 (B) by redesignating subparagraphs (G)
13 through (K) as subparagraphs (H) through (L),
14 respectively;

15 (C) by inserting after subparagraph (F)
16 the following new subparagraph:

17 “(G) a description of the existing con-
18 straints to sustainable development in the coun-
19 try, including the productive capacity of the
20 poor, and a description of the role of the Cor-
21 poration and other donors in addressing such
22 constraints during the duration of the Com-
23 pact;”;

24 (D) in subparagraph (K) (as redesign-
25 ated), by striking “and” at the end;

1 (E) in subparagraph (L) (as redesignated),
2 by striking the period at the end and inserting
3 a semicolon; and

4 (F) by adding at the end the following new
5 subparagraphs:

6 “(M) a detailed description of the extent to
7 which the government of the country met, and
8 continues to meet, the requirements of sub-
9 section (d) (relating to local input) in devel-
10 oping the Compact, a comprehensive summary
11 of the local input provided to the government by
12 individuals and organizations described in such
13 subsection, and an explanation of how the local
14 input will be reflected in projects carried out
15 under the Compact; and

16 “(N) an analysis of the extent to which
17 each project carried out under the Compact will
18 contribute to reducing aggregate poverty in the
19 country through sustainable economic growth
20 and development.”.

21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) apply with respect to eligibility of
23 countries for assistance under the Millennium Chal-
24 lenge Act of 2003 (22 U.S.C. 7701 et seq.) for fiscal
25 year 2006 and subsequent fiscal years.

1 (b) DEFINITION.—Section 609(b)(3) of the Millen-
2 nium Challenge Act of 2003 (22 U.S.C. 7708(b)(3)) is
3 amended by striking “to achieve market-driven economic
4 growth and eliminate extreme poverty” and inserting “to
5 eliminate extreme poverty and reduce overall poverty
6 through sustainable economic growth and development”.

7 (c) LOCAL INPUT.—Section 609(d) of the Millennium
8 Challenge Act of 2003 (22 U.S.C. 7708(d)) is amended—

9 (1) in paragraph (1), by striking “and” at the
10 end;

11 (2) by redesignating paragraph (2) as para-
12 graph (3);

13 (3) by inserting after paragraph (1) the fol-
14 lowing new paragraph:

15 “(2) consults with the national legislature of
16 the eligible country; and”; and

17 (4) in paragraph (3) (as redesignated)—

18 (A) by inserting “national and inter-
19 national” before “private and voluntary organi-
20 zations”; and

21 (B) by striking “other” and inserting “for-
22 eign”.

23 (d) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—
24 Section 609(g) of the Millennium Challenge Act of 2003
25 (22 U.S.C. 7708(g)) is amended—

1 (1) by striking “enter into contracts or make
2 grants” and inserting “enter into contracts, make
3 grants, or provide personnel of the Corporation on
4 a temporary basis”;

5 (2) by adding at the end before the period the
6 following: “, including facilitating the development of
7 the Compact proposal, implementation of the Com-
8 pact, and the development and implementation of
9 amendments to the Compact”; and

10 (3) by further adding at the end the following
11 new sentence: “Such facilitation of the development
12 and implementation of the Compact may include
13 supporting the meaningful participation of a broad
14 spectrum of independent civil society representatives
15 in such development and implementation.”.

16 (e) REQUIREMENT FOR APPROVAL BY THE BOARD.—
17 Section 609(h) of the Millennium Challenge Act of 2003
18 (22 U.S.C. 7708(h)) is amended—

19 (1) by striking “Each Compact” and inserting
20 the following:

21 “(1) IN GENERAL.—Each Compact”; and

22 (2) by adding at the end the following new
23 paragraph:

1 “(2) SENSE OF CONGRESS.—It is the sense of
2 Congress that the Board, acting through the Chief
3 Executive Officer, should—

4 “(A) establish and make known policies
5 that encourage each eligible country—

6 “(i) to submit to the Corporation its
7 Compact proposal not later than one year
8 after the date on which the country is
9 identified as an eligible country under sec-
10 tion 608(d)(2); and

11 “(ii) to seek to enter into a Compact
12 with the United States not later than two
13 years after the country has been identified
14 as such an eligible country; and

15 “(B) consider removing from eligibility
16 those countries that fail to submit a Compact
17 proposal or enter into a Compact with the
18 United States in a timely or good-faith manner,
19 but allow such countries to seek eligibility for
20 assistance under section 605 in subsequent
21 years, as appropriate.”.

22 (f) DURATION OF COMPACT.—Section 609(j) of the
23 Millennium Challenge Act of 2003 (22 U.S.C. 7708(j)) is
24 amended—

1 (1) by striking “The duration” and inserting
2 the following:

3 “(1) IN GENERAL.—Except as provided in para-
4 graph (2), the duration”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(2) EXCEPTION.—

8 “(A) IN GENERAL.—A Compact shall not
9 include a project with a duration of more than
10 5 years unless the Board—

11 “(i) determines that the project can-
12 not be completed in 5 years or less; and

13 “(ii) approves a duration for the
14 project of not more than 10 years.

15 “(B) CONGRESSIONAL NOTIFICATION.—
16 Not later than 15 days after the Board ap-
17 proves a duration for a project pursuant to sub-
18 paragraph (A)(ii), the Board, acting through
19 the Chief Executive Officer, shall submit to the
20 appropriate congressional committees a notifica-
21 tion of such approval, including a detailed ex-
22 planation for the determination and approval.”.

23 (g) CONCURRENT AND SUBSEQUENT COMPACTS.—
24 Section 609 of the Millennium Challenge Act of 2003 (22
25 U.S.C. 7708) is amended—

1 (1) by striking subsection (k); and
2 (2) by inserting at the end the following new
3 subsection:

4 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—
5 “(1) IN GENERAL.—Subject to the require-
6 ments of paragraph (2), an eligible country and the
7 United States—

8 “(A) may enter into and have in effect not
9 more than two Compacts at any given time
10 under this section; and

11 “(B) may enter into subsequent Compacts
12 in accordance with the requirements of this title
13 after the expiration of the existing Compact or
14 Compacts.

15 “(2) REQUIREMENTS.—

16 “(A) CONCURRENT COMPACTS.—An eligi-
17 ble country and the United States may enter
18 into a concurrent Compact only if the Board
19 determines that the country is making consider-
20 able and demonstrable progress in imple-
21 menting the terms of its existing Compact and
22 supplementary agreements thereto.

23 “(B) SUBSEQUENT COMPACTS.—An eligi-
24 ble country and the United States may enter
25 into subsequent Compacts if the Board deter-

1 mines that the country substantially met the
2 objectives of prior Compacts between the coun-
3 try and the United States and supplementary
4 agreements thereto.”.

5 (h) EFFECTIVE DATE.—The amendments made by
6 subsections (f) and (g) apply with respect to Compacts en-
7 tered into between the United States and an eligible coun-
8 try under the Millennium Challenge Act of 2003 (22
9 U.S.C. 7701 et seq.) before, on, or after the date of the
10 enactment of this Act.

11 **SEC. 107. CONGRESSIONAL AND PUBLIC NOTIFICATION OF**
12 **COMPACT.**

13 (a) CONGRESSIONAL CONSULTATION PRIOR TO COM-
14 PACT NEGOTIATIONS.—Section 610(a) of the Millennium
15 Challenge Act of 2003 (22 U.S.C. 7709(a)) is amended—

16 (1) in paragraph (1), by striking “and” at the
17 end;

18 (2) in paragraph (2), by striking the period at
19 the end and inserting “; and”; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(3) shall—

23 “(A) in the case of negotiations for a con-
24 current Compact with an eligible country, notify
25 the appropriate congressional committees of its

1 determination that the country is making con-
2 siderable and demonstrable progress in imple-
3 menting the terms of its existing Compact and
4 supplementary agreements thereto pursuant to
5 section 609(k); and

6 “(B) in the case of negotiations for a sub-
7 sequent Compact with an eligible country, no-
8 tify the appropriate congressional committees of
9 its determination that the country substantially
10 met the objectives of prior Compacts between
11 the country and the United States and supple-
12 mentary agreements thereto pursuant to section
13 609(k).”.

14 (b) CONGRESSIONAL CONSULTATION AND NOTIFICA-
15 TION PRIOR TO ENTERING INTO A COMPACT.—Section
16 610 of the Millennium Challenge Act of 2003 (22 U.S.C.
17 7709(a)) is amended—

18 (1) by redesignating subsection (b) as sub-
19 section (c); and

20 (2) by inserting after subsection (a) the fol-
21 lowing new subsection:

22 “(b) CONGRESSIONAL CONSULTATION AND NOTIFI-
23 CATION PRIOR TO ENTERING INTO A COMPACT.—

24 “(1) MEETING OF THE BOARD.—Not later than
25 15 days prior to a meeting of the Board for the pur-

1 pose of fulfilling the requirement of section 609(h),
2 the Board, acting through the Chief Executive Offi-
3 cer, should consult with the appropriate congres-
4 sional committees, and provide copies, in a classified
5 form if necessary, of the proposed Compact, includ-
6 ing annexes or supplementary agreements thereto, to
7 the appropriate congressional committees.

8 “(2) ENTRY INTO COMPACT.—Not later than
9 15 days prior to entering into a Compact with an el-
10 igible country, the Board, acting through the Chief
11 Executive Officer, shall provide notification of the
12 proposed Compact to the appropriate congressional
13 committees in accordance with the procedures appli-
14 cable to reprogramming notifications under section
15 634A of the Foreign Assistance Act of 1961.”.

16 (c) CONGRESSIONAL AND PUBLIC NOTIFICATION
17 AFTER ENTERING INTO A COMPACT.—Section 610(c)(2)
18 of the Millennium Challenge Act of 2003 (as redesignated
19 by subsection (b)(1) of this section) is amended to read
20 as follows:

21 “(2) shall publish such detailed summary of the
22 Compact in the Federal Register and shall publish
23 such detailed summary and the text of the Compact
24 (including a copy of any annexes or supplementary

1 agreements thereto) on the Internet website of the
2 Corporation.”.

3 (d) EFFECTIVE DATE.—The amendments made by
4 subsections (a), (b), and (c) apply with respect to Com-
5 pacts entered into between the United States and an eligi-
6 ble country under the Millennium Challenge Act of 2003
7 (22 U.S.C. 7701 et seq.) on or after the date of the enact-
8 ment of this Act.

9 **SEC. 108. SUSPENSION AND TERMINATION OF ASSISTANCE.**

10 (a) SUSPENSION AND TERMINATION OF ASSIST-
11 ANCE.—Section 611(a) of the Millennium Challenge Act
12 of 2003 (22 U.S.C. 7710(a)) is amended in the matter
13 preceding paragraph (1)—

14 (1) by striking “After consultation with the
15 Board, the Chief Executive Officer” and inserting
16 “The Board, acting through the Chief Executive Of-
17 ficer,”; and

18 (2) by striking “if the Chief Executive Officer”
19 and inserting “if the Board”.

20 (b) REINSTATEMENT.—Section 611(b) of the Millen-
21 nium Challenge Act of 2003 (22 U.S.C. 7710(b)) is
22 amended—

23 (1) by striking “The Chief Executive Officer”
24 and inserting “The Board, acting through the Chief
25 Executive Officer,”; and

1 (2) by striking “the Chief Executive Officer”
2 and inserting “the Board”.

3 (c) CONGRESSIONAL NOTIFICATION.—Section 611(c)
4 of the Millennium Challenge Act of 2003 (22 U.S.C.
5 7710(e)) is amended—

6 (1) by striking “the Chief Executive Officer”
7 the first place it appears and inserting “the Board,
8 acting through the Chief Executive Officer,”; and

9 (2) by striking “the Chief Executive Officer” in
10 each place it appears thereafter and inserting “the
11 Board”.

12 (d) PUBLICATION IN FEDERAL REGISTER OF CER-
13 TAIN CRITERIA.—Not later than 30 days after the date
14 of the enactment of this Act, the Chief Executive Officer
15 of the Millennium Challenge Corporation shall publish in
16 the Federal Register a detailed description of the criteria
17 used by the Corporation to determine whether or not to
18 suspend or terminate assistance in whole or in part for
19 a country or entity under section 611 of the Millennium
20 Challenge Act of 2003 (22 U.S.C. 7710).

21 **SEC. 109. DISCLOSURE.**

22 Section 612 of the Millennium Challenge Act of 2003
23 (22 U.S.C. 7711) is amended by adding at the end the
24 following new subsection:

1 “(c) FREEDOM OF INFORMATION.—The Corporation
2 and its officers and employees shall be subject to the provi-
3 sions of section 552 of title 5, United States Code (relat-
4 ing to freedom of information).”.

5 **SEC. 110. ANNUAL REPORT.**

6 Section 613(b)(2) of the Millennium Challenge Act
7 of 2003 (22 U.S.C. 7712(b)(2)) is amended to read as
8 follows:

9 “(2) For each eligible country, an assessment
10 (in quantifiable terms to the maximum extent prac-
11 ticable) of—

12 “(A) the progress of the country to submit
13 a Compact proposal and negotiate a Compact to
14 final approval;

15 “(B) the impact that the assistance pro-
16 vided under section 605 has had on reducing
17 overall poverty through sustainable economic
18 growth and development and otherwise achiev-
19 ing the objectives set out in the Compact en-
20 tered into by the country;

21 “(C) the extent to which assistance pro-
22 vided under section 605 has been effective in
23 helping the country to achieve such objectives,
24 including a description of the measures and ef-
25 forts of the country to implement the Compact;

1 “(D) the policy reforms of the country that
2 are conducive to economic development and the
3 furtherance of such objectives that have been,
4 or need to be, implemented;

5 “(E) the amount and type of economic as-
6 sistance provided by other major donors to the
7 country which further the purposes of this title;
8 and

9 “(F) the commitment and contribution of
10 the country to achieving the objectives set out
11 in the Compact entered into by the country.”.

12 **SEC. 111. POWERS OF THE CORPORATION; RELATED PROVI-**
13 **SIONS.**

14 Section 614 of the Millennium Challenge Act of 2003
15 (22 U.S.C. 7713) is amended by adding at the end the
16 following new subsection:

17 “(h) TECHNICAL ASSISTANCE.—The Chief Executive
18 Officer is authorized and encouraged to contract with any
19 nongovernmental organization (including a university,
20 independent foundation, or other organization) or private
21 entity to provide technical assistance to an eligible country
22 with respect to the merits and feasibility of the Compact
23 proposal of the eligible country or amendments to the
24 Compact of the eligible country.”.

1 **SEC. 112. ASSISTANCE TO CERTAIN CANDIDATE COUN-**
2 **TRIES.**

3 Section 616(d) of the Millennium Challenge Act of
4 2003 (22 U.S.C. 7715(d)) is amended by striking “for fis-
5 cal year 2004” and inserting “for a fiscal year”.

6 **SEC. 113. GENERAL PERSONNEL AUTHORITIES.**

7 It is the sense of Congress that the Millennium Chal-
8 lenge Corporation should employ approximately 300 per-
9 sons in order to ensure that the Corporation carries out
10 its activities, including activities in eligible countries, in
11 an efficient and timely manner.

12 **SEC. 114. PUBLICITY AND IDENTIFICATION OF PROGRAMS,**
13 **PROJECTS, AND ACTIVITIES.**

14 It is the sense of Congress that, pursuant to section
15 641 of the Foreign Assistance Act of 1961 (22 U.S.C.
16 2401), the Chief Executive Officer (or the Chief Executive
17 Officer’s designee), in consultation with the Administrator
18 of the United States Agency for International Develop-
19 ment and the heads of other appropriate departments and
20 agencies of the Government of the United States, should
21 promulgate regulations that require programs, projects,
22 and activities, including public communications and com-
23 modities, that are partially or fully funded by the Millen-
24 nium Challenge Corporation to be marked or otherwise
25 bear a visible standard graphic identity marking that

1 clearly communicates that the assistance is “From the
2 American people”.

3 **SEC. 115. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AMENDMENT.—Section 619(a) of the Millennium
5 Challenge Act of 2003 (22 U.S.C. 7718(a)) is amended
6 by striking “fiscal years 2004 and 2005” and inserting
7 “fiscal years 2006 through 2008”.

8 (b) RULE OF CONSTRUCTION.—The amendment
9 made by subsection (a) shall not be construed to affect
10 the availability of funds appropriated pursuant to the au-
11 thorization of appropriations under section 619 of the Mil-
12 lennium Challenge Act of 2003 (22 U.S.C. 7718(a)) be-
13 fore the date of the enactment of this Act.

14 **TITLE II—TRANSFER OF THE**
15 **MILLENNIUM CHALLENGE**
16 **ACT OF 2003 TO THE FOREIGN**
17 **ASSISTANCE ACT OF 1961**

18 **SEC. 201. TRANSFER OF THE MILLENNIUM CHALLENGE**
19 **ACT OF 2003 TO THE FOREIGN ASSISTANCE**
20 **ACT OF 1961.**

21 (a) TRANSFER.—The Millennium Challenge Act of
22 2003 (title VI of division D of the Consolidated Appropria-
23 tions Act, 2004; Public Law 108–199; 22 U.S.C. 7701
24 et seq.), as amended by this Act, is hereby—

1 (1) transferred from the Consolidated Appro-
2 priations Act, 2004, to the Foreign Assistance Act
3 of 1961 (22 U.S.C. 2151 et seq.); and

4 (2) inserted after title VI of chapter 2 of part
5 I of the Foreign Assistance Act of 1961.

6 (b) REDESIGNATION.—Chapter 2 of part I of the
7 Foreign Assistance Act of 1961 is amended—

8 (1) by redesignating the second title VI (as
9 added by subsection (a)) as title VII; and

10 (2) in title VII (as redesignated by paragraph
11 (1))—

12 (A) in the title heading, to read as follows:
13 “TITLE VII—MILLENNIUM CHALLENGE ACT OF
14 2003”;

15 (B) by redesignating sections 601 through
16 620 as sections 261 through 280, respectively;
17 and

18 (C) by striking each reference in such title
19 to any of sections 601 through 620 and insert-
20 ing a reference to the corresponding section
21 number (as redesignated by subparagraph (B)).

22 (c) TECHNICAL ASSISTANCE.—Section 269(g) of the
23 Foreign Assistance Act of 1961 (as added by subsection
24 (a) and redesignated by subsection (b) of this section) is
25 amended by inserting after “Notwithstanding subsection

1 (a)” the following: “or any other provision of law (other
2 than a provision of this title)”.

3 (d) CONFORMING AMENDMENT.—The table of con-
4 tents of the Consolidated Appropriations Act, 2004 (Pub-
5 lic Law 108–199) is amended by striking the item relating
6 to title VI of division D of such Act.

7 **SEC. 202. CONFORMING AMENDMENT.**

8 Section 270(b)(2) of the Foreign Assistance Act of
9 1961 (as added by section 201(a) and redesignated by sec-
10 tion 201(b) of this Act) is amended by striking “section
11 634A of the Foreign Assistance Act of 1961” and insert-
12 ing “section 634A of this Act”.

○

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4014
OFFERED BY MR. HYDE OF ILLINOIS AND MR.
LANTOS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Millennium Challenge Reauthorization Act of 2006”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Establishment and management of Millennium Challenge Corporation.
- Sec. 4. Authorization of assistance.
- Sec. 5. Millennium Challenge Compact.
- Sec. 6. Congressional and public notification of Compact.
- Sec. 7. Annual report.
- Sec. 8. Powers of the Corporation; related provisions.
- Sec. 9. Assistance to certain candidate countries.
- Sec. 10. Authorization of appropriations.

6 SEC. 2. PURPOSES.

7 Section 602(2) of the Millennium Challenge Act of
8 2003 (22 U.S.C. 7701(2)) is amended by striking “eco-
9 nomic growth” and all that follows and inserting the fol-
10 lowing: “the reduction of poverty through sustainable,
11 broad-based economic growth, including by strengthening

1 good governance, promoting economic opportunities, and
2 investing in people, as needed.”.

3 **SEC. 3. ESTABLISHMENT AND MANAGEMENT OF MILLEN-**
4 **NIUM CHALLENGE CORPORATION.**

5 Section 604(b)(2) of the Millennium Challenge Act
6 of 2003 (22 U.S.C. 7703(b)(2)) is amended—

7 (1) by striking “APPOINTMENT” and all that
8 follows through “the Chief Executive Officer shall be
9 appointed” and inserting the following: “APPOINT-
10 MENT.—The Chief Executive Officer shall be ap-
11 pointed”; and

12 (2) by striking subparagraph (B).

13 **SEC. 4. AUTHORIZATION OF ASSISTANCE.**

14 (a) ASSISTANCE.—Section 605(a) of the Millennium
15 Challenge Act of 2003 (22 U.S.C. 7704(a)) is amended
16 by striking “in achieving lasting economic growth and pov-
17 erty reduction” and inserting “in reducing poverty
18 through sustainable, broad-based economic growth, includ-
19 ing by strengthening good governance, promoting eco-
20 nomic opportunities, and investing in people, as needed,”.

21 (b) LIMITATIONS.—Section 605(e)(4) of the Millen-
22 nium Challenge Act of 2003 (22 U.S.C. 7704(e)(4)) is
23 amended in the second sentence—

24 (1) by striking “eleventh and fourteenth pro-
25 visos” and inserting “eighth and twelfth provisos”;

1 (2) by striking “division E of Public Law 108–
2 7 (117 Stat. 162)” and inserting “Public Law 109–
3 102 (119 Stat. 2174–2176)”; and

4 (3) by striking “2004” and inserting “2007”.

5 **SEC. 5. MILLENNIUM CHALLENGE COMPACT.**

6 (a) ELEMENTS.—Section 609(b)(1) of the Millen-
7 nium Challenge Act of 2003 (22 U.S.C. 7708(b)(1)) is
8 amended—

9 (1) in subparagraph (D), by adding at the end
10 before the semicolon the following: “, and an anal-
11 ysis of how the intended beneficiaries will participate
12 in, or be impacted by, each project”;

13 (2) in subparagraph (J), by striking “and” at
14 the end;

15 (3) in subparagraph (K), by striking the period
16 at the end and inserting a semicolon; and

17 (4) by adding at the end the following new sub-
18 paragraph:

19 “(L) an analysis of the extent to which
20 each project carried out under the Compact will
21 contribute to reducing poverty through sustain-
22 able, broad-based economic growth, including by
23 strengthening good governance, promoting eco-
24 nomic opportunities, and investing in people, as
25 needed.”.

1 (b) LOCAL INPUT.—Section 609(d) of the Millennium
2 Challenge Act of 2003 (22 U.S.C. 7708(d)) is amended—

3 (1) in paragraph (1), by striking “and” at the
4 end;

5 (2) by redesignating paragraph (2) as para-
6 graph (3); and

7 (3) by inserting after paragraph (1) the fol-
8 lowing new paragraph:

9 “(2) consults with the national legislature of
10 the eligible country; and”.

11 (c) DURATION OF COMPACT.—Section 609(j) of the
12 Millennium Challenge Act of 2003 (22 U.S.C. 7708(j)) is
13 amended—

14 (1) by striking “The duration” and inserting
15 the following:

16 “(1) IN GENERAL.—Except as provided in para-
17 graph (2), the duration”; and

18 (2) by adding at the end the following new
19 paragraph:

20 “(2) EXCEPTION.—

21 “(A) IN GENERAL.—A Compact shall not
22 include a project with a duration of more than
23 5 years unless the Board—

24 “(i) determines that the project can-
25 not be completed in 5 years or less; and

1 “(ii) approves a duration for the
2 project of not more than 10 years.

3 “(B) CONGRESSIONAL NOTIFICATION.—
4 Not later than 15 days after the Board ap-
5 proves a duration for a project pursuant to sub-
6 paragraph (A)(ii), the Board, acting through
7 the Chief Executive Officer, shall submit to the
8 appropriate congressional committees a notifica-
9 tion of such approval, including a detailed ex-
10 planation for the determination and approval.”.

11 (d) CONCURRENT AND SUBSEQUENT COMPACTS.—
12 Section 609 of the Millennium Challenge Act of 2003 (22
13 U.S.C. 7708) is amended—

14 (1) by striking subsection (k); and
15 (2) by inserting at the end the following new
16 subsection:

17 “(k) CONCURRENT AND SUBSEQUENT COMPACTS.—
18 “(1) IN GENERAL.—Subject to the require-
19 ments of paragraph (2), and in accordance with the
20 requirements of this title, an eligible country and the
21 United States—

22 “(A) may enter into and have in effect not
23 more than two Compacts at any given time
24 under this section; and

1 “(B) may enter into subsequent Compacts
2 after the expiration of the existing Compact or
3 Compacts.

4 “(2) REQUIREMENTS.—

5 “(A) CONCURRENT COMPACTS.—An eligi-
6 ble country and the United States may enter
7 into a concurrent Compact only if the Board
8 determines that the country is making consider-
9 able and demonstrable progress in imple-
10 menting the terms of its existing Compact and
11 supplementary agreements thereto.

12 “(B) SUBSEQUENT COMPACTS.—An eligi-
13 ble country and the United States may enter
14 into subsequent Compacts if the Board deter-
15 mines that the country substantially met the
16 objectives of prior Compacts between the coun-
17 try and the United States and supplementary
18 agreements thereto.”.

19 (e) EFFECTIVE DATES.—

20 (1) AMENDMENTS RELATING TO ENTRY INTO
21 COMPACT.—The amendments made by subsections
22 (a) and (b) apply with respect to Compacts entered
23 into between the United States and an eligible coun-
24 try under the Millennium Challenge Act of 2003 (22
25 U.S.C. 7701 et seq.) on or after October 1, 2006,

1 or the date of the enactment of this Act, whichever
2 occurs later.

3 (2) AMENDMENTS RELATING TO DURATION AND
4 TYPE OF COMPACT.—The amendments made by sub-
5 sections (c) and (d) apply with respect to Compacts
6 entered into between the United States and an eligi-
7 ble country under the Millennium Challenge Act of
8 2003 (22 U.S.C. 7701 et seq.) before, on, or after
9 the date of the enactment of this Act.

10 **SEC. 6. CONGRESSIONAL AND PUBLIC NOTIFICATION OF**
11 **COMPACT.**

12 (a) CONGRESSIONAL NOTIFICATION PRIOR TO SIGN-
13 ING A COMPACT.—Section 610 of the Millennium Chal-
14 lenge Act of 2003 (22 U.S.C. 7709(a)) is amended—

15 (1) by redesignating subsection (b) as sub-
16 section (c); and

17 (2) by inserting after subsection (a) the fol-
18 lowing new subsection:

19 “(b) CONGRESSIONAL NOTIFICATION PRIOR TO
20 SIGNING A COMPACT.—Not later than 15 days prior to
21 signing a Compact with an eligible country, the Board,
22 acting through the Chief Executive Officer, shall provide
23 notification of the proposed Compact, including a detailed
24 summary of the Compact and a copy of the text of the
25 Compact, to the appropriate congressional committees in

1 accordance with the procedures applicable to reprogram-
2 ming notifications under section 634A of the Foreign As-
3 sistance Act of 1961.”.

4 (b) PUBLIC NOTIFICATION AFTER ENTERING INTO
5 A COMPACT.—Section 610(c) of the Millennium Challenge
6 Act of 2003 (as redesignated by subsection (a)(1) of this
7 section) is amended by striking “Chief Executive Officer”
8 and all that follows through “(2) shall publish” and insert-
9 ing “Chief Executive Officer shall publish such detailed
10 summary of the Compact in the Federal Register and shall
11 publish such detailed summary and the text of the Com-
12 pact (including a copy of any annexes or supplementary
13 agreements thereto) on the Internet website of the Cor-
14 poration.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 subsections (a) and (b) apply with respect to Compacts
17 approved pursuant to section 609(h) of the Millennium
18 Challenge Act of 2003 (22 U.S.C. 7708(h)) on or after
19 the date of the enactment of this Act.

20 **SEC. 7. ANNUAL REPORT.**

21 (a) AMENDMENT.—Section 613(b) of the Millennium
22 Challenge Act of 2003 (22 U.S.C. 7712(b)) is amended
23 by adding at the end the following new paragraphs:

24 “(6) A description of recruitment and employ-
25 ment of members of minority groups at the Corpora-

1 tion, including, to the maximum extent practicable,
2 the numbers and percentages of members of all mi-
3 nority groups who have been recruited by and em-
4 ployed at the Corporation during the prior fiscal
5 year.

6 “(7) A description of the extent to which the re-
7 quirement of section 614(h) has been met for the
8 prior fiscal year, including, to the maximum extent
9 practicable, information on—

10 “(A) the numbers and percentages of
11 small, minority-owned, or disadvantaged busi-
12 ness enterprises that provide goods and services
13 that are financed with funds made available
14 under section 609(g), section 614(g), and sec-
15 tion 616 during such prior fiscal year;

16 “(B) the total number of contracts with
17 such business enterprises for such purposes
18 during such prior fiscal year;

19 “(C) the total dollar value of such con-
20 tracts; and

21 “(D) the percentage value represented by
22 such contracts proportionate to the total value
23 of all contracts held by the Corporation that are
24 financed with funds made available under sec-

1 tion 609(g), section 614(g), and section 616
2 during such prior fiscal year.”.

3 (b) EFFECTIVE DATE.—The amendment made by
4 subsection (a) applies with respect to the report required
5 to be submitted to Congress under section 613 of the Mil-
6 lennium Challenge Act of 2003 (22 U.S.C. 7712) for fiscal
7 year 2007 and each subsequent fiscal year.

8 **SEC. 8. POWERS OF THE CORPORATION; RELATED PROVI-**
9 **SIONS.**

10 (a) AMENDMENT.—Section 614 of the Millennium
11 Challenge Act of 2003 (22 U.S.C. 7713) is amended by
12 adding at the end the following new subsection:

13 “(h) PARTICIPATION OF CERTAIN UNITED STATES
14 BUSINESSES.—To the maximum extent practicable, the
15 President, acting through the Chief Executive Officer,
16 shall ensure that United States small, minority-owned,
17 and disadvantaged business enterprises fully participate in
18 the provision of goods and services that are financed with
19 funds made available under section 609(g), subsection (g)
20 of this section, and section 616.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) applies with respect to funds made available
23 under the Millennium Challenge Act of 2003 (22 U.S.C.
24 7701 et seq.) for fiscal year 2007 and each subsequent
25 fiscal year.

1 **SEC. 9. ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.**

2 Section 616(d) of the Millennium Challenge Act of
3 2003 (22 U.S.C. 7715(d)) is amended by striking “for fis-
4 cal year 2004” and inserting “for a fiscal year”.

5 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) AMENDMENT.—Section 619(a) of the Millennium
7 Challenge Act of 2003 (22 U.S.C. 7718(a)) is amended
8 by striking “fiscal years 2004 and 2005” and inserting
9 “fiscal years 2007 through 2009”.

10 (b) RULE OF CONSTRUCTION.—The amendment
11 made by subsection (a) shall not be construed to affect
12 the availability of funds appropriated pursuant to the au-
13 thorization of appropriations under section 619 of the Mil-
14 lennium Challenge Act of 2003 (22 U.S.C. 7718(a)) be-
15 fore the date of the enactment of this Act.

Chairman HYDE. With that, I turn to my good friend, Tom Lantos, for any remarks he chooses to make.

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me first pay tribute to all of my colleagues on the Republican side and on our side who have taken this particular assignment of dealing with this legislation with the seriousness and the commitment that it makes. I also want to pay tribute to the Republican staff and to several members of the Democratic staff: David Fite, David Abramowitz, Peter Yeo, and the chief of staff on the Democratic side, Dr. Bob King. They have done a remarkable job, and we are all deeply in their debt.

I also want to thank you, Mr. Chairman, for the extraordinary degree of statesmanship you have exhibited during these very difficult negotiations and discussions.

Before I come to substantive comments, let me recognize Under Secretary of State Nick Burns and his staff for their invaluable contributions to our work.

Mr. Chairman, this is an historic hearing. As we open this hearing, I am reminded of the opening to China in 1971. While there are significant differences between that historic move and the historic move we are about to make, in terms of the impact of this legislation on the new geostrategic alignment between India and the United States for the balance of the 21st century, the importance of this legislation cannot be overstated.

As I did my work on this bill, I was reminded of a meeting I had in 1955 when we celebrated the tenth anniversary of the founding of the United Nations in San Francisco. I had a series of analytical debates and discussions with international leaders on television. One of them was India's then Foreign Minister Krishna Menon, who exemplified a political orientation which, to quite an extent, characterized Indian foreign policy during the entire Cold War. It was not a friendly orientation toward the United States and toward Western values.

The end of the Cold War liberated Indian foreign policy. We typically talk about the end of the Cold War as having brought about the liberation of Central and Eastern Europe and some constituent republics of the Soviet Union. But perhaps one of the most significant items that the end of the Cold War liberated was Indian foreign policy.

It is not totally liberated, because India, to some extent, occasionally still feels obligated to pay tribute to the so-called "Non-Aligned Movement," and just as I had difficulty understanding what the Non-Aligned Movement meant during the Cold War, I have an even greater degree of difficulty understanding what the Non-Aligned Movement means at a time when the civilized world is on one side and global terrorism and dictatorships are on the other.

But be that as it may, we are about to see a sweeping strategic realignment of India's global policies for the 21st century, and we can facilitate that realignment.

In 2005 and in 2006, in two critical votes at the International Atomic Energy Agency, India voted with the United States. I commend the Government of India on these votes, despite powerful domestic opposition within the Indian coalition. Before we consider this legislation, Mr. Chairman, I think we should also take note of

the fact that the most recent Pew survey indicates that favorable attitudes toward the United States in India are on the rise. This is in sharp contrast to many other countries.

In 2002, 54 percent of India's population had a favorable view of the United States. In 2005, this figure has jumped to 71 percent.

I would like to say a word about the concept of legislation being India-specific because, to some extent, this is an accurate characterization. May I just comment that if there is another country which is democratic, has a population of 1,100,000,000, and wants to build a closer relationship with the United States, I think this Committee would be more than happy to expand this legislation to that second democratic, 1.1 billion population country.

India is unique, and this legislation is, in a very fundamental sense, unique. India also shares our passionate opposition to violent, militant Islam, and this is a position that India has not just today but, I am convinced, for the balance of this century.

Mr. Chairman, we are about to consider ground-breaking legislation that tailors United States policy to new global realities, advances our country's nonproliferation goals, and reinforces the critical role of congressional oversight of the Executive Branch. I am very pleased by the bipartisan way in which we were able to bring this legislation to this moment. With important contributions from colleagues on both sides of the aisle, we will be able to move the historic United States-India civilian nuclear accord forward while ensuring that Congress will be able to guarantee that its views are considered every step of the way from here on in.

This is a defining moment in our relationship with the great nation of India. After decades of disengagement punctuated with hostility, we now have the opportunity to achieve what will be an historic geostrategic realignment of the world's largest democracy, India, with the world's oldest democracy, the United States. This was not a process that was achieved overnight. President Clinton's historic visit to Delhi in the year 2000 broke the long-standing barriers to closer cooperation between our two great democracies. President Bush built upon this new foundation during his visit to India this year, which culminated in the historic civilian nuclear accord.

But the nuclear agreement not only marks a geostrategic realignment. It is also an unmistakable opportunity to advance our nonproliferation goals by rewarding a country that possesses nuclear technology but has not used it to spread nuclear weapons capabilities around the globe—India has no A.Q. Khan. India is a country with positive bilateral relations with the United States that can serve, and I am convinced will serve, as a model for others, and our agreement ensures that many nuclear facilities that are not under safe guards today will be in the future, as a result of this legislation.

The legislation before our Committee, Mr. Chairman, like any product of long and extended negotiations between two great sovereign nations, will not please everyone in its entirety. The Administration wanted Congress to approve the nuclear cooperation deal in advance, even though important elements of the accord had yet to be negotiated. We firmly rejected that request.

As I proposed last month, Congress will be required to vote a second time. Let me repeat this. Congress will be required to vote a second time before any nuclear cooperation with India can move forward. This second vote will take place only after Congress will have reviewed all of the details of the agreement for cooperation that are currently being negotiated, after India and the International Atomic Energy Agency will have concluded a safeguards agreement, and after the nuclear suppliers group will have acted to allow nuclear cooperation with India.

The Administration also asks that Congress waive all of the current prohibitions on nuclear cooperation with India. Our balanced legislation before us today will provide the Administration with some of the authority it sought to allow expanded peaceful, nuclear-related trade with India to take place, but certainly not all.

Mr. Chairman, there is no doubt that the nuclear agreement is the product of negotiations between two great nations, and, by definition, it is a compromise. No agreement between sovereign nations is ever perfect, with both sides feeling that they are getting everything they wanted. Such is the nature of international negotiations. We must keep our attention focused on moving our political, security, and nonproliferation cooperation with India moving forward, and not run it aground licensing to the siren song of phantom perfection.

As we move forward with today's markup, I look forward to a healthy debate on the underlying legislation and on the several amendments that will be offered. I will support amendments which are consistent with the United States-India Nuclear Agreement and which perfect the underlying legislation. Amendments that represent fundamental changes to the terms of the deal worked out between the United States and India, I will firmly oppose.

I ask everyone on the Committee to support this historic agreement. It is my strong hope that we can have the bill on the House Floor in July, and then, with House passage, we will have opened a new era in United States-India relations. Thank you, Mr. Chairman.

Chairman HYDE. Mr. Leach?

Mr. LEACH. Thank you, Mr. Chairman. I appreciate the comments of both the distinguished Chairman and Ranking Member. I would only add a little bit of caution to what has been said.

This is a new day in United States-India relations. It is also a sad day in the world of arms control and the rule of law. The Non-Proliferation Treaty has been the linchpin of all United States arms control in modern times. We are making an exception for India. There is a case for this, and there is no doubt if we were in an India-specific world, there would be a credible case for it.

The interesting phenomenon is that the premise behind all of this is a decision in Washington, and perhaps in Delhi, that we should have a warming of relations. I do not know a Member of Congress that does not support that.

Then the United States was given basically two policy options. One was to go forth with the nuclear deal. The second was to support Indian membership in the Security Council. We chose the first and have yet to affirm the second. Part of this relates to a lack of appreciation, I believe, in some places in Washington for arms con-

trol itself. Part of it relates to an attitude toward the United Nations, but I cannot think of any better alternative than firm support of India on the Security Council. We rejected it.

The tragedy is, and I would only disagree with one bit of facileness of your statement, Mr. Lantos; it is true there is only one other country that is not a member of the nuclear arms club with 1.1 billion people, but there are very few countries in the world that look at numbers that way. Once this agreement goes forward, we are going to have a whole spectrum of countries that are going to make comparable claims, whether they be South Korea, whether they be Japan, whether they be Brazil, countries with which we have credible relations. There are going to be other countries with which we do not, one of which is Iran, one of which is North Korea.

We had visits in the last month by high-level, Pakistani representatives who made it very clear, if this deal goes through, Pakistan will respond with more nuclear weapons.

So affirmation of this agreement is affirmation of other countries going forward in a nuclear way in ways that the law of the world, the NPT, to some degree, represented some protection. Now the difficulty for the United States is, and this is a great irony, we talk about a warming of United States-India relations, and that is absolutely implicit and true; but on the other hand, because of the United States' announcement, Russia has already offered to give India all of the nuclear energy that we have implied in this agreement. That agreement has gone forward.

In other words, the Executive announcement, which was done without consultation with Congress, which requires an Act of Congress, has been preempted by another state, and so what we are doing is almost irrelevant. The NPT has been knifed by an Executive action, and another country is already going forth with this agreement.

I will tell you, I think advice to the Administration before this went forward would have been very clear-cut. This is a foolish direction to go on. Now that the Administration has taken that action, Congress is on the spot, and I think this is a very close call. As Mr. Lantos has said, and Mr. Hyde has said, this is an improved agreement over what the Administration has suggested, and I acknowledge that, and I would also acknowledge that I am really in a dilemma as an individual making a judgment. But anyone that wants to present this as a happy day is making a very serious mistake.

This is a dilemma for the international world that we have undercut the most serious arms control treaty perhaps ever negotiated, and we are doing it without, in my judgment, the kind of consideration in advance that was needed. Some of that consideration has gone into this particular measure, but it is not a happy day for the world. Thank you.

Mr. BERMAN. Mr. Chairman?

Chairman HYDE. Mr. Berman.

Mr. BERMAN. Mr. Chairman, I would like to commend both you and our Ranking Member, Tom Lantos, and your staff for all you have done to make this legislation a substantial improvement over the Administration's legislative proposal. I think the points that my colleague, Mr. Leach, made are serious and must be considered,

but I think I would like to just take a couple of moments to mention some of the good ones but then point out some of the specific deficiencies that still remain.

As has been said, Congress will have to approve a nuclear cooperation agreement under this bill with India by an affirmative majority vote, and we will have copies of the cooperation agreement and the safeguards agreement negotiated between India and the IAEA before we take that vote. That is much better than the original bill.

My strong preference was to give Congress the ability to amend the cooperation agreement, but that proved to be incompatible with the expedited procedures this bill establishes for congressional consideration of the agreement.

Also on the plus side, this bill prevents the President from waiving some very important provisions in the Atomic Energy Act that place conditions on India's handling of nuclear materials received from the United States. It also maintains the applicability of other provisions in existing law that provide for the termination of nuclear cooperation in the event that India resumes nuclear testing, violating its IAEA safeguards agreement, or violating the terms of our bilateral nuclear cooperation agreement.

It requires the nuclear supplier group to approve an exemption for India before Congress votes on the cooperation agreement, and that NSU decision must be made by consensus. It directs the President to take steps to prevent other countries from making nuclear transfers to India if India takes certain actions, like testing a nuclear weapon or violating IAEA safeguards, that lead to a termination of United States nuclear exports. And the bill includes language that I had suggested prohibiting nuclear transfers to India if, having agreed to adhere to NSG and missile technology control regime guidelines, India exports items to other countries in violation of the agreement.

But the bill also does not address several very important issues. It does nothing to limit India's production of fissile material for nuclear weapons. If we are going to change the internationally accepted rules on nuclear trade, then we had better have a compelling, nonproliferation gain, like a freeze on the production of fissile material, to justify those changes. Otherwise, we risk starting down a slippery slope where the nonproliferation rules become more and more malleable, other countries try to cut special deals for their friends, and pretty soon we have got a free for all with all of us coming out losers in the end.

To ensure that a nuclear deal is a net plus for nonproliferation, I offer two amendments to condition nuclear cooperation with India on India's willingness to stop making more plutonium and highly enriched uranium.

Mr. Chairman, the strategic value represented by this deal and the potential for a future closer relationship with India is extremely important to me and extremely important in terms of United States foreign policy interests. As part of that, I welcome civilian nuclear cooperation as long as it is done in a responsible way that does not undermine U.S. and international efforts to prevent the spread of weapons of mass destruction.

Chairman HYDE. Thank you, Mr. Berman.

Normally, we would recognize Members for 1 minute to make an opening statement. What we have done is recognize Members for 5 minutes to strike the last words. We will continue to do that. I do not want anybody foreclosed from making a statement, but I would remind you that it is not mandatory that you make a statement. Mr. Rohrabacher is recognized for purposes of an amendment.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, and let me agree with both you and Ranking Member Mr. Lantos in his statement that this is a very historic piece of legislation, and we are engaged in an historic moment. NATO, of course, took care of stability needs and helped us create a force for peace in the world during the Cold War. NATO is no longer capable, I believe, of providing that type of force in the world. In fact, I believe that a new alliance needs to be developed, should we pursue our global leadership role and have an alliance to depend upon. In other words, I do not believe our European allies are reliable as they were during the Cold War. We will need another alliance in order to meet the challenges of the new millennium.

This new alliance probably will be, as far as I can see now, a coalition between the United States, Japan, India, and Russia. If democracy continues to evolve in the right direction in Russia and not going the opposite way. This vision that I believe the President shares is something that we need to pursue, and the step in establishing a new relationship with India is certainly one of the first steps that needs to be taken if we are to have this alliance between the United States, Russia, India, and Japan in order to create a new force in the world for prosperity and security and peace.

However, as Mr. Berman just stated, and, I believe, accurately stated, we must look very carefully at what we are doing to ensure that we are not totally undermining another important goal that was established in the last 40 years. That is the goal of limiting the proliferation of nuclear weapons material and nuclear weapons because an out-of-control proliferation of nuclear weapons material would be a threat to whatever type of alliance we form to establish stability in this world.

So as we launch this new initiative to develop India's energy system that will help us provide a new relationship with India, we have to have the proliferation issue addressed. My amendment is aimed at ensuring that we do our best to see that the issue of proliferation is addressed by insisting that nuclear energy technology provided to India is that technology which will have the least negative impact on the proliferation of nuclear weapons material, as well as insisting that we offer technology that is the most cost effective.

[The amendment of Mr. Rohrabacher follows:]

AMENDMENT TO H.R. _____
OFFERED BY MR. ROHRABACHER OF CALIFORNIA

In section 2(6)(E), strike “and” at the end.

In section 2(7)(B), strike the period at the end and insert “; and”.

In section 2, add at the end the following new paragraph:

(8) the United States should provide India only the most cost-effective technology, that also when operated, creates the least potential to develop weapons grade material.

Mr. ROHRABACHER. I think that if we provide India nuclear technology to help them meet their energy needs, and they end up spending more and more money on nuclear weapons, it would be a tremendous disservice to the Indian people. Those weapons are totally wasteful for a country that needs to focus its resources on their own economy and uplifting their own people.

So I would suggest that my amendment will help us guide our decisions in that way. In fact, there are alternatives, if we do insist upon them, that will provide India the capability of producing electricity and energy through nuclear materials but, at the same time, minimize the proliferation danger.

There is a high-pressure gas reactor—it is a new reactor in the sense that it has not been widely used in the world. Although it has been used in Japan for 20 years successfully. This system is different from the old reactors in that it will not provide the huge amount of material that can be used for creating nuclear bombs. It eats plutonium, for example. And I might add, General Atomics in California, although not in my district, General Atomics has a joint agreement with Russian companies in order to build these types of reactors. Which are the safest and most cost-effective ways of proceeding with this initiative about providing other countries, especially India, nuclear technology for the production of energy.

So my amendment is aimed at insisting that as we move forward with this initiative, that we do so with the technology that, when operated, creates the least potential to develop weapons-grade material and is the most cost effective technology.

Chairman HYDE. Would the gentleman yield?

Mr. ROHRABACHER. I certainly will.

Chairman HYDE. I want to thank the gentleman for a most useful discussion. I think the aims that the gentleman seeks are worthy and desirable, but the enforcement of this amendment would be virtually impossible. It is a restriction put only on India, not on any other country in the world, but you have a point, and I am wondering if you would withdraw this amendment. We will study

the subject some more and see if there is not some other way to get where the gentleman wants to go.

Mr. ROHRBACHER. I will be very happy to take the Chairman's admonition that this is an amendment that would affect only India, and I think that the idea of moving forward with projects like this should not be just aimed at India. We should have as a general rule for all countries that we are providing cost-effective nuclear technology as well as the technology that creates the least potential to develop weapons-grade material. So I will withdraw my amendment. Thank you.

Chairman HYDE. I thank the gentleman. The bill is open for amendment. Any Member may offer a pro forma amendment to strike the last words and thus get 5 minutes. So anybody who wishes recognition—one at a time, please. Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman. I move to strike the requisite number of words.

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. ACKERMAN. Thank you. Mr. Chairman, today, the Committee has an opportunity to make a choice of historic proportions and profound consequences. Today, we will chart the path of United States-India relations for decades to come, with one-sixth of the planet's population, and we will see the fruition of years of efforts by Members of both sides of the aisle and Presidents from both parties to bring the United States and India closer together.

I am very proud to be an original co-sponsor of the legislation. I believe the bill produces the right balance between addressing the legitimate nonproliferation concerns of many of our colleagues, but does not go so far as to mandate new conditions that would require the Administration to return to an unfruitful negotiating table.

The bill also provides an opportunity for the Congress to exercise its judgment over the agreement itself, as well as requiring the IAEA safeguards agreement and additional protocol and the nuclear suppliers group agreement. All should be in place before we move ahead on the second vote with nuclear cooperation with India.

The expedited procedures in the bill will ensure that Congress can act quickly once all of the elements are in place while preserving our opportunity to review the agreement thoroughly.

I think everyone agrees, Mr. Chairman, that a closer relationship with India is in America's interests. I think most everyone would also concede that this agreement will help us achieve that closer relationship.

The criticism has been over the potential impact of the deal on U.S. nonproliferation policy. Make no mistake: This bill represents a significant change in long-standing U.S. policy and deserves careful consideration.

On balance, I think we are better off with India in the nonproliferation mainstream. Which is what this bill will achieve, rather than defeating the bill, which is what we would do if we change the agreement.

I would like to address for a moment some of the very thoughtful comments of Mr. Leach, which were, indeed, thoughts and concerns that many of us have considered as we have pondered this change.

First of all, it would be foolhardy if we had a one-size-fits-all foreign policy. We treat different nations differently. We do not even treat members of the evil axis in the same way as other members of the axis are treated. Indeed, Iran and North Korea and Pakistan are looking for clues about what this deal means for them and their nuclear programs.

I think the message to them is clear: If you want to be treated like India, be like India. If you want to be treated like India, be a responsible international actor with regard to weapons-of-mass-destruction technologies. Do not sell your nuclear technology to the highest bidder. Do not provide it to terrorists. Be a democracy, a real democracy, regardless of your size, and work with us on important foreign policy objectives and not against us.

I would disagree that the NPT is being knifed. I think what we are doing here in recognizing the differences between countries is that the NPT is being skillfully and surgically modified. There is a rumor about qualitative judgments about the nature of states in our nonproliferation policy, Mr. Chairman, and India is a nation that deserves, in my judgment, at least, to be treated as a responsible nuclear power. I would urge all of our colleagues to support the legislation and ask unanimous consent to withdraw my amendment.

Chairman HYDE. Without objection, so ordered. Mr. Smith is recognized, of New Jersey. Mr. Smith is not here. Mr. Gallegly? Ms. Davis of Virginia? Mr. Weller? Mr. Weller is here. All right. Mr. McCotter from Michigan?

Mr. MCCOTTER. In regards to this, I understand the theoretical concerns of some Members, but the question to me is the differentiation between the theoretical and the actual. Whereas the Non-Proliferation Treaty is a wonderful, multilateral document, and it did not stop certain nations, one of which is India and others, from acquiring nuclear capabilities and nuclear weapons. It seems to me that in that context what the United States is trying to do, acting bilaterally with India, is actually to help augment the Non-Proliferation Treaty by coming closer to India and trying to bring India into more of a nonproliferation mode through its bilateral relationship with the United States. So far from seeing the NPT "knifed in the back," I see it actually being defended by this bilateral agreement.

One of my other concerns, too, a Member from a State that makes automobiles, is that one of the problems we have seen with rising gas prices is international demand. We have seen the growing economies of places, specifically, China and India, countries of over a billion people, are continuing to place demands upon the world's oil and energy resources. It would seem to me that the more quickly India can develop its energy resources on the nuclear front, that will help over time to alleviate some of the demand upon fossil fuels that are causing us such heartburn at the gas pumps today.

Finally, I think Mr. Lantos, as he always does, put the issue squarely in front of us for the great future. When we look at the future, we see that the United States, as a global competitor, faces rising economies and perhaps rising militarism in Communist China and faces rising economic competition from democratic India.

It would seem to me that the move that we are about to make by increasing our ties with India makes absolute sense as we look at the course of the 21st century because the United States today has a relationship which I believe is unfortunate with Communist China.

When we look down the road, it would be far better for the United States to have a long-standing relationship not with a Communist country but with a democratic country, and today we will take that great leap forward—no pun intended—to build that relationship up, and I totally support this action on behalf of this Committee. Thank you.

Chairman HYDE. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

I move to strike the last word.

Chairman HYDE. The gentleman is recognized.

Mr. FALEOMAVAEGA. Mr. Chairman, it is fair enough for intelligent people to disagree about the pros and cons of United States-India civil nuclear cooperation. I sincerely hope that at the end of this day the Committee will vote in favor of this agreement in support of what you, Mr. Chairman, and Mr. Lantos have provided for the Members of this Committee to vote upon.

I honestly believe that this will happen and sincerely hope that it will happen because it needs to happen because the time has come for the United States to support its ally and set right our failed policies which excluded India from the nuclear club and barred her from acquiring nuclear technology and materials for civilian use more than 25 years ago.

While critics may argue that India has not signed the Nuclear Non-Proliferation Treaty, I submit that had it not been for our benign neglect India may have been a member of the nuclear club and our discussion about the nuclear proliferation treaty would have been a moot point.

In the early 1960s, despite having a civilian nuclear program, India called for global disarmament but our nation turned a deaf ear. In 1962, China attacked India claiming it was responding to border provocation. The United States responded by saying it might protect India against a future attack. But when China exploded its first nuclear bomb in 1964, our nation welcomed China as a member of the nuclear club and a permanent member of the United Nations Security Council.

In 1965, believing India was weakened from its war with China, Pakistan attacked India in an effort to control and the current crisis is now occurring over the control of Kashmir.

In response, our nation remained neutral while China outspokenly supported Pakistan. Concerned for its own security and having little reason to rely on our nation, India announced in 1966 that it would produce nuclear weapons within 18 months. But in 1967, our nation joined with the Soviet Union in crafting a Nuclear Non-Proliferation Treaty which to this day states that only the United States, Russia, the United Kingdom, China and France are permitted to own nuclear weapons because only these five possessed nuclear weapons at the time the treaty was open for signature in 1968. Again, India had had a civilian nuclear program in place prior to the nuclear proliferation treaty being open for signa-

ture and India was only months away from possessing nuclear weapons.

So while critics may argue that India has not signed the Nuclear Non-Proliferation Treaty, I respectfully submit that I agree with India's position that the NPT is and has always been flawed and discriminatory.

As a result of the NPT, China, France, the United Kingdom, Russia and our country are the only permanent members of the United Nations Security Council and this also is not right.

Yes, India conducted its first nuclear test in 1974, but recently the U.S. State Department declassified documents on United States foreign policy which show that India had little choice but to protect its sovereign interests given the hostile attitude assumed by the United States toward India during the Nixon-Kissinger years.

As we all can agree, India then and India today lives in one of the world's tougher neighborhoods and it is a bit Euro-centric and somewhat racist, if I might mention, Mr. Chairman, for our nation to treat India as if she is beholden to us for the safety, protection and well being of her people.

It is no grand gesture on our part that we now offer India civil nuclear cooperation. Instead, United States-India civil nuclear cooperation is only long overdue and, quite frankly the deal is as good for us as it is for India.

First, it is in our strategic interests for the world's oldest democracy to stand with the world's largest democracy as we seek to stabilize one of the most volatile regions in the world.

Two, with one-sixth of the world's population, and with India's growing energy demands expected to increase more than threefold for the next 30 years, lessening India's demand for fossil fuels means lower prices as the gas pumps for all Americans.

Three, civil nuclear cooperation being the linchpin of our relations translates into more jobs for U.S. workers in other sectors.

Mr. Chairman, when all is said and done, the United States-India civil nuclear cooperation is the right thing to do and I commend Prime Minister Singh and President Bush for bringing this historic initiative to the table.

I also commend you, Mr. Chairman, and our Ranking Member, Mr. Lantos, for your leadership. Mr. Lantos stood by India when it was not so popular to do so and without his support and your support, Mr. Chairman, this bill would be dead on arrival.

I also want to commend Mr. Sanjay Puri for the outstanding work that he has done to keep this deal alive. Today's vote, and I expect and sincerely hope that tomorrow's favorable vote of the Senate Foreign Relations Committee, will be a victory for the India-American community and for this gentleman's tireless efforts.

While others will rush to the media to take credit, at a single reception, no one worked harder on behalf of the India-American community than Mr. Puri. Since the day this deal was first announced more than a year ago, this gentleman, Mr. Puri, without compensation or personal gain, united his Indian-American community, visited personally with Members of the House and the Senate, and worked cooperatively with the State Department and Mr. Burns.

Chairman HYDE. The gentleman's time has expired.

Mr. FALEOMAVEGA. Mr. Chairman, again, thank you, and I yield back the balance of my time.

Chairman HYDE. Thank you.

Mr. Burton of India?

Mr. BURTON. Thank you, Mr. Chairman. I do not want to be redundant and go into all the reasons why this is a good agreement that have already been mentioned. I would like to say that I would like to associate myself in particular with the remarks of the Chairman, Mr. Hyde, Mr. Lantos and Mr. McCotter, who is always very eloquent. I appreciate their kind remarks. I think they are very appropriate.

I would just like to say that along with Mr. Wilson of Service Center I took a number of other Members of Congress to India and Pakistan recently and we met with Prime Minister Singh and President Musharraf to talk about issues such as Kashmir and the punjab and some of the problems that have been occurring up there for a long, long time that need to be resolved.

In addition to that we had an opportunity to talk to Prime Minister Singh, his defense minister, a large number of the members of their parliament about this nuclear agreement. After having met with him and talked with him, I am convinced that there will be a clear delineation between civil and military use of nuclear technology that is sold to them by the United States of America. That is why I think this agreement has a lot of merit.

I think it is extremely important that India gain the ability to build nuclear energy facilities because they have probably 800 million people that are living on less than \$2.00 a day and they have a great opportunity to expand their workforce and their economy if they get the technology to produce the kind of energy that is necessary for economic expansion. That will help not only their economy but hundreds of millions of people over there who are living in very, very dire straits. I believe India can be a great ally of the United States, already is, but I think they will be a greater ally than they have been in the past.

In the past, I have been a very strong critic of India, but based upon what I learned during this trip and what I have seen recently, I think that they are going to be a good partner down the road and I think this is a good agreement and we should be supporting it.

With that, I yield back the balance of my time.

Chairman HYDE. Mr. Sherman of California?

Mr. SHERMAN. Move to strike the last word.

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. SHERMAN. Mr. Chairman, this agreement goes to the heart of our work on the International Terrorism and Nonproliferation Subcommittee and so I do have a lot to say and I will try to say it quickly.

I will be offering three amendments. None of them is a killer amendment, though I am sure that those who disagree with them may say that it might be, because our role here in this Committee is to push to make this agreement better.

We will hear pained cries that this or that amendment is a "killer amendment" and then we will know we are doing our job. No

pain, no gain. Our job is to push this agreement just as far as it will go and, of course, in that process, we will be told that we are pushing it just a little too far.

The simplest of my amendments will be to put back in the bill a few words that were taken out from last week's draft to the draft that is before us in our folders today.

The bill requires that we go forward with this agreement only with the support of the nuclear suppliers group. The original text or the text of last week said, "and that action by the nuclear suppliers group has to affect only India and no other country."

It is dangerous, I think, that those words have been removed from the draft in front of us and I will seek to restore them because it implies that there are those who would agree to a deal in the nuclear suppliers group in which they would agree to supply India and Pakistan. I would expect China to try to push for that kind of package and we need to put in this bill before it leaves this Committee the words that were in the bill last week to say that what we need to secure for this deal to go forward is an agreement with nuclear suppliers group affecting only India.

Second, I will propose an amendment stating that if we are going to provide all this help to India's energy sector, India should not go forward—and I think they have already decided not to go forward—with a pipeline from Iran and this provision will be waivable by the President so if the Administration determines that it is in our national security interests to waive that provision the Administration will be able to do so.

The third and most important amendment I will offer is kind of Berman-lite and I will support Mr. Berman's amendment but, if for some reason, his does not pass, what mine amendment will do is recognize a few facts.

First, India, although they have a lot of uranium in the ground, it is low grade ore and they are only able to produce 300 tons. They need almost all of that for their energy sector. They are diverting some of their domestic uranium that they need for their energy sector to their nuclear bomb creation sector. Uranium is fungible and if we allow this deal to go forward without an amendment then India will be able to take all its domestic uranium and use it for building bombs and use the world's uranium to fund their nuclear energy facilities.

I think it is important that when this bill leaves the Committee it be designed not to punish India for having nuclear weapons, not even to prevent India from building more India weapons, but at least to keep our hands clean and make sure that we are not helping India build more weapons in 2007 than they were able to build in 2005.

This is important because the world does not need more nuclear weapons. It is important because if we facilitate more Indian nuclear weapons, the response from China and Pakistan will not be to our liking. Finally, it is important because of the Non-Proliferation Treaty. That treaty says that we are bound not to assist India in building nuclear weapons and if we take a look at the ground today, we see that India has to choose what to do with its domestic uranium production: Does it use that production for the production of weapons or for electricity?

They are currently underfueling their electric generating nuclear plants in order to build weapons. They want to do both. We should not assist them in building more nuclear weapons than they are able to today.

For that reason, my most important amendment will say that for this deal to go forward the President must certify that the amount of uranium going to India's nuclear weapons program has not increased.

Those are the amendments I will offer.

Mr. Chairman, thank you.

Chairman HYDE. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

Move to strike the last word.

I am recognized, Mr. Chairman?

Thank you.

Mr. Chairman, this legislation highlights India's stature as an important strategic partner for the United States, its strong democratic history, its responsible behavior on nonproliferation of technology and materials related to deadly unconventional weapons which has earned it such a preferred status.

Among many provisions, the bill articulates the United States nonproliferation priorities to oppose the efforts of any country to develop nuclear weapons capability, to achieve a halt to the production of materials for nuclear explosives, and to secure India's full and active participation in United States and global nonproliferation efforts and, specifically, United States efforts to sanction and contain the Iranian regime for its pursuit of chemical, biological and nuclear weapons and the means to deliver them.

Specifically, this bill requires that prior to a congressional yes or no vote on the agreement the President must issue a determination that India, among other things, has provided the United States and the International Atomic Energy Agency with a credible plan separating its civilian and military facilities, that it has concluded an agreement with the IAEA submitting its civilian facilities to IAEA safeguards in perpetuity and it has agreed to an additional protocol with the International Atomic Energy Agency consistent with the IAEA standards and practices.

In short, Mr. Chairman, this bill strikes a balance while enhancing our bilateral relations with India and promoting our foreign security and policy objectives in Asia, while strengthening nonproliferation strategies by further integrating India into United States and international efforts and I would hope that this Committee would give it its full support.

Thank you, Mr. Chairman.

Chairman HYDE. Thank you.

Ms. Lee of California?

Mr. Wexler?

Mr. WEXLER. Thank you, Mr. Chairman. I will be brief.

I find myself in concert with much of what has been said already and I would simply want to highlight one point which has been referenced already which gives me great confidence in terms of the ramifications of what we are about to do. It has been referenced earlier that the nuclear suppliers group must approve this agreement and I think it is worth highlighting that that approval is not

on a majority basis, but on a consensus basis so practically what it means is that any country of the 38 or 40 that makes up that group can veto this agreement if it wishes.

People talk about the potential arms race or the ramifications in terms of Pakistan or China and so forth. I think it is very important to point out that China, of course, is a member of the nuclear suppliers group and should China at any point conclude that the consequences of this agreement are such that it wished to veto it, it could.

Now, to China's credit, my understanding is that it will choose not to veto this arrangement, but I think the whole point is that requiring a consensus amongst such a disparate group of countries requires a degree of cooperation and international understanding that creates an environment of moderation of which both India and others will be operating.

That gives me a degree of confidence that what we are about to do will enhance the existing nonproliferation international environment rather than detract from it.

Thank you very much, Mr. Chairman.

Chairman HYDE. Mr. Meeks?

Mr. MEEKS. Thank you, Mr. Chairman. I will be brief.

I do also subscribe to much of what has been said already. Change is really a difficult situation and when you think about the world that we currently live in, to one degree one will say that it is much better than it has ever been in the history of the world and others will say it is also more dangerous than it has ever been in the history of the world.

So the question then is how do we bring this hodgepodge of countries, the United States included, so that we can talk about those aspects that make this world that we share more dangerous?

I agree with Mr. Ackerman when said that we need to make sure that individuals know that when they have demonstrated a sophistication and a position of responsibility that we can then share technology, the technology that will in fact help millions of people with reference to energy in India, so that they too can have a better life.

When I look around and see what some of the problems are in the world, it is that some see the quality of life and the standard of life in one part of the world and the lack of the same qualities in the other, and at the same time try to make sure that we have responsible governments governing because some of this, the creation of the nuclear weapons and atom bomb was initially done for peaceful purposes, but, of course, they could be utilized for bad. So we have to figure out how we can make sure that what is now prevalent on the Earth is utilized for the benefit of all.

India has proven that it is in fact a responsible government, so therefor I think it is important that we allow India to utilize certain India civil programs, civil nuclear programs. And I think that sends a message. I do not think that we should even look at this necessarily at China as a competitor in the sense that we have to do this because it is China. I think that eventually we have to figure out how we talk to China and other nations to make them all responsible and this could be one of the ways that we do that, by utilizing India as an example for the rest of the world, that we can

indeed be able to get along and make sure that we are working collectively together for the benefit of all people.

So I am going to listen to some of the amendments, because I think some of the amendments may be very good, because we do have to be very careful. We want to make sure that we have as many checks as we possibly can and so I am not ruling out voting for some of the amendments, those that are not poison pills but some of the amendments, I think, are very good, but I am going to support this and I think that it is important for us to support it because I think it sends a message to some of the nations who may not be as responsible as we would like that if they can clean up their act we can all work together because indeed we have to share this place that we call Earth. Nuclear weapons going off anywhere endanger us all and we have to figure out how we share it together and the only we can do that is by working and coming to agreements together.

I yield back the balance of my time.

Chairman HYDE. Mr. Blumenauer of Oregon?

Mr. BLUMENAUER. Thank you, Mr. Chairman.

Just two brief observations. I am deeply concerned about the way that we kind of rushed into this. I think the Administration got a little over its skis, on this. This is too important, too vital to our interests, too vital for the subcontinent and, frankly, for the potential complication of our other nonproliferation efforts as it relates to Iran, for instance.

But I do appreciate the efforts of our Committee leadership to provide a framework to build broader support within Congress while we deal with our concerns and it is one of those instances where this Committee can, in doing its job, help point the Administration in the right direction and I think there is every likelihood that we will do this at the end of the day.

I appreciate that effort and I look forward to moving this forward and for our Committee continuing vigorous oversight and our participation to make sure that it does not go sideways.

Chairman HYDE. Mr. Crowley of New York?

Mr. CROWLEY. Thank you, Mr. Chairman, for giving me the time.

I strike the requisite number of words and I will take the Chairman's advice into hand and combine both my statement and my amendment at the same time. Is that okay with the Chairman?

Chairman HYDE. Mr. Schiff of California?

Mr. SCHIFF. Thank you, Mr. Chairman. I will be very brief as well.

Chairman HYDE. Mr. Schiff, I was too precipitous.

Mr. Crowley?

Mr. SCHIFF. Mr. Chairman, I think you did just fine.

Chairman HYDE. Mr. Crowley has an amendment.

Mr. CROWLEY. Mr. Chairman, I want to thank you and commend you and Ranking Member Lantos for your bipartisan effort in bringing this legislation forward today.

I support this cooperation and this new language because I believe in the new phase in the relationship of the United States and India and what we will be creating today.

A relationship with India is in our national interests and our future is with those who share the ideals of democracy and free thought. India is just such a nation.

This will be a historic day, the day the United States and India broke free of the Cold War mindset and embraced each other as true allies.

India has paid the price for its pursuit of nuclear weapons for the past 32 years. To my friends who are concerned about India not signing the Non-Proliferation Treaty, I share your concerns. While we believe that Congress should do all that we can to have a strong NPT, we must also recognize the new paradigm we are dealing with.

In the case of India, the T should not stand for treaty but for tent and that tent of nonproliferators is one we want to bring India into. She already belongs there, but we want to bring her officially into that. This agreement, I believe, goes a long way to doing that.

What I find commendable is that instead of spreading this technology or trying to hide it from the rest of the world they were honest about their own national security concerns and respected the rule of law and freedoms those laws granted to the people of India.

I believe that good behavior must be rewarded and that is why I strongly support the legislation of a clean bill today. Poison pill or killer amendments will not just kill this bill but will our relationship back to the days before President Clinton made a decision to create a stronger relationship with India. Thankfully, President Bush recognized this potential and built upon that work.

This legislation is a major step in a process that was began under President Clinton and is a continuation of the next steps in a strategic partnership with India.

Before we change our laws, the President must finish negotiations with the Government of India, India must complete new protocols and safeguards with the IAEA and the nuclear suppliers group will have to agree to allow nuclear exports to India.

Our decision today will create a stronger relationship between our two nations and I am proud to be playing a role in this historic event.

With that, Mr. Chairman, I have an amendment at the desk.

Chairman HYDE. The clerk will report the amendment.

Mr. CROWLEY. Move the waiving of the reading, if that is proper.

Chairman HYDE. Let her report the amendment.

Would you report the Crowley amendment?

Ms. RUSH. Amendment by Mr. Crowley of New York. In section 4(o), add at the end the following new paragraph—

Chairman HYDE. Without objection, further reading is dispensed with.

[The amendment of Mr. Crowley follows:]

AMENDMENT TO H.R. _____
OFFERED BY MR. CROWLEY OF NEW YORK

In section 4(o), add at the end the following new paragraph:

1 (3) NEW NUCLEAR REACTORS OR FACILITIES.—
2 Not later than one year after the date of the enact-
3 ment of this Act and annually thereafter, the Presi-
4 dent shall submit to the Committee on International
5 Relations of the House of Representatives and the
6 Committee on Foreign Relations of the Senate a re-
7 port describing any new nuclear reactors or nuclear
8 facilities that the Government of India has des-
9 ignated as civilian and placed under inspections or
10 has designated as military.

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. CROWLEY. This amendment, Mr. Chairman, is simple and straightforward.

The amendment requires an annual report to Congress describing any new nuclear reactors or nuclear facilities that the Government of India has designated as civilian and placed under inspections or has designated as military.

This legislation we have before us today includes incentives for India to designate reactors and facilities as civilian and I believe we should have reporting requirements on whether or not they are working.

I strongly believe that the future reactors and nuclear facilities should be designated as civilian and placed under India specific IAEA safeguards, not military.

While my amendment does not limit India's ability to designate future reactors or facilities as military, the annual reporting will bring attention to the India program and their intentions to our President and to our Congress.

I trust the Government of Prime Minister Singh and I trust Prime Minister Singh, but, as you would expect with any democracy, he will not always be Prime Minister, and it is in our interests to be sure that India is using all of the new technologies that are at her disposal for energy and not weapons of production.

I believe this is a noncontroversial amendment and my hope is that my colleagues will support it.

With that, I yield back the balance of my time.

Chairman HYDE. The Chair is prepared to accept the amendment but will yield to Mr. Lantos first.

Mr. LANTOS. Mr. Chairman, I am very pleased to support my friend's amendment. This amendment adds a useful report to the Congress so that over time we will have a very clear picture as to the breakdown of the civilian and military composition of India's new nuclear reactor facilities.

I urge all of my colleagues to support this amendment.

Chairman HYDE. Is there any further discussion?

[No response.]

Chairman HYDE. If not, the question is on the amendment offered by Mr. Crowley.

All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. All those opposed, nay.

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to. Mr. Schiff?

Mr. SCHIFF. Thank you, Mr. Chairman. I will be brief.

I want to begin by thanking the Chair and Ranking Member for the work they have done to improve the legislation before us and, in particular, to give us the opportunity to study a proposed agreement and have an up or down vote on it after it has been completed.

I also, though, want to echo the sentiments expressed by Mr. Leach of Iowa. There were many ways to improve the relationship with India. We could do it through an enhanced nuclear cooperation agreement. We could do it through supporting India's member-

ship in the UN Security Council. We could do it through increased economic cooperation or any number of means. It was not inevitable that this be the course and there is, I think, a very clear cost to the nonproliferation effort and a cost to the Non-Proliferation Treaty that all of us will have to weigh.

I want to echo the sentiment that support for this legislation does not commit any Member and should not be read as an indication of ultimate support for the agreement and, as the Chair admonished, the Administration would be wise to work closely with this Committee and with the Congress to make sure that what it pursues ultimately has the support of the Congress.

I will be offering one amendment this afternoon that is designed to ensure that our support of India's nuclear program does not allow it to increase its fissile material production and that it is not used in effect to support an accelerated nuclear weapons program.

I have drafted the amendment in consultation with nonproliferation experts and it has been drafted in such a way that it goes as far as I think we can go to try to accomplish that objective without being a deal breaker for the broader agreement and I would ask my colleagues to consider it when I bring the matter up.

Again, I appreciate the work that has been done this far. I agree again with Mr. Leach that the announcement of the proposed agreement in itself changed the landscape. I am sure that was done deliberately prior to having consultations with Congress to have exactly that impact and that has made our job more difficult, but I appreciate greatly the work the Chair and the Ranking Member have done to give us more influence over what may be the single most important decision in the nonproliferation field for decades to come.

I thank you, Mr. Chairman.

Chairman HYDE. Ms. Watson of California.

Ms. WATSON. Thank you so much, Mr. Chairman, and Ranking Member Lantos.

I will probably be the only one who is not ready to support this legislation with the amendments as it is in front of us today because to give the President waiver authority to exempt India from the restrictions that were in the Nuclear Non-Proliferation Treaty is very worrisome to me.

Pakistan has been in partnership with the United States in its war on terrorism, but not the democracy that India is and we all understand that, but are you going to reward them with the same kind of consideration and this bill as it is in front of us today gives the authority to the President to make that decision.

I would like to see the bill written saying that the President submits to Congress a determination that India has submitted a credible plan to separate its civil and military nuclear facilities and programs, that a safeguard agreement has been concluded with the IAEA and that the NSG has amended its guidelines to allow nuclear exports to India and the waiver authority given only to Congress. Only to Congress.

And with that, I could support it. In its current form, I cannot. Thank you, Mr. Chairman.

Chairman HYDE. Mr. Engel of New York?

Mr. ENGEL. Thank you, Mr. Chairman, and thank you, Mr. Lantos.

I wholeheartedly and enthusiastically support this agreement. I am glad that the Chairman and the Ranking Member are working together to come up with amendments and to come up with a bill that we think is very, very important.

I am a very big supporter of a stronger United States-India relationship. I think it is natural. I think the two countries share so many common interests. I think that during the Cold War with the Soviet Union there was a problem. That does not exist any more. I think that one of our policy objectives should be trying to make India and the United States strong allies and bring India closer together with the United States and I think that this bill achieves that.

When Secretary Rice was here several months ago, I publicly said that I support this idea and I think it is a very, very important idea.

I reject the fact that the United States has to somehow treat all countries the same when it comes to nuclear weapons. I think there is a different standard for countries, frankly, that are our friends and want to work with us and then for countries who are not, like Iran and North Korea, so I do not think that this agreement has any impact on Iran and North Korea. When Iran and North Korea become democracies like India, when Iran and North Korea become pro-American like India, when Iran and North Korea show that they can handle themselves in terms of democracy like India, then I think that we can consider that as well but that is really not the case.

There are so many things that are common between the U.S. and India. The biggest democracy, that is India. We have the longest democracy, the oldest democracy, the United States. In that region of the world, one needs to contrast India with Pakistan. India has had a democracy since 1947, since it became independent. Look at Pakistan. It unfortunately has not. So I do not think you can talk about the two.

India faces a threat of terrorism and, frankly, so does the United States. India keeps one eye, frankly, toward China and I think the United States needs to do that as well. So I think there is a convergence of interests here and, again, this makes a lot of sense.

We were talking the other day about surveys that were done in countries. The population of India has come up as one of the most pro-U.S. countries in the world and I think that is important and I think the Indian-American community, frankly, can play a great role and will play a great role and does play a great role in terms of bringing the two countries together and that is something that I like and support.

Again, when I look at this bill and I look at the concept, I think it is very, very important for the United States; very, very important for India.

Again, I wholeheartedly support it and I think, again, the Administration should work with this Committee and, frankly, the Administration has shown that it wants to work with this Committee and with Members on both sides of the aisle in terms of

making sure that this United States-India agreement goes well and sticks.

I am delighted that we have it here. I am delighted that we are doing this. I think this is very, very important for India and the United States as we march into the 21st century together and I again wholeheartedly support this bill.

Thank you, Mr. Chairman.

Chairman HYDE. The Chair would like to get to the amendments. Are there any more Members who wish to make an opening statement?

[No response.]

Chairman HYDE. If not, we will go to the amendments.

Mr. Berman is recognized for an amendment.

Mr. BERMAN. Thank you very much, Mr. Chairman.

I would like, if possible, to have the Committee's indulgence to offer two of my amendments in order because they are directly related.

The first amendment I would like to offer is amendment 64.

Chairman HYDE. The clerk will report.

Ms. RUSH. Amendment offered by Mr. Berman of California. In section 4(b), add at the end the following new paragraph—

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

[The amendment of Mr. Berman follows:]

AMENDMENT TO H.R. _____
OFFERED BY MR. BERMAN OF CALIFORNIA

In section 4(b), add at the end the following new paragraph:

- 1 (8) India—
2 (A) is adhering to a unilateral moratorium
3 on the production of fissile material for nuclear
4 weapons;
5 (B) is adhering to a multilateral morato-
6 rium on the production of fissile material for
7 nuclear weapons; or
8 (C) has signed and is adhering to a multi-
9 lateral treaty prohibiting the production of
10 fissile material for nuclear weapons.

Chairman HYDE. Mr. Berman is recognized for 5 minutes in support of his amendment.

Mr. BERMAN. Thank you very much, Mr. Chairman.

This amendment is quite straightforward. It requires the President to make a determination that India has halted production of fissile material for nuclear weapons before he can grant a waiver to key provisions of the Atomic Energy Act and submit the nuclear cooperation agreement to Congress.

There are three different ways in which India could meet this agreement. First, by declaring a unilateral moratorium on the production of fissile material; secondly, they could adhere to a multilateral moratorium with China and Pakistan, for instance; or, third, it could sign and adhere to a multilateral fissile material cut-off treaty.

Given that India already has nuclear weapons, why is it so important to restrain its future ability to build more?

I think three reasons. If we are going to change long established nonproliferation rules for one country, we had better be able to point to some compelling nonproliferation gain to justify those changes and help ensure it does not become a precedent for other countries seeking to cut deals with their friends.

My friend the gentleman from New York, Mr. Engel, says we should treat different countries differently, but it is not going to work like that. We do this with India and we will have friends, Brazil, Japan, South Korea, Saudi Arabia, Egypt, Turkey, that are going to say maybe we want to go down this path India did. They will pull out of the Non-Proliferation Treaty and seek to obtain the same kind of operation.

India's other nonproliferation commitments in the context of this nuclear deal, stringent export controls, adhering to nuclear suppliers group and missile technology control guidelines, accepting IAEA safeguards in civilian facilities, these are positive steps in the right direction, but for the most part they are merely a reflection of India's existing policies or largely symbolic. Only a halt of fissile material production would make this deal a net plus for nonproliferation.

The second argument for requiring India to do this is the impact this deal could have on India's neighbors. As I mentioned earlier, almost every nonproliferation expert, but Republicans and Democrats, believe this deal will enable India to increase its production of fissile material. Why? Because India now faces a shortage of domestic uranium. It is forced to make a choice between generating electricity and making bombs.

If and when the NSG decides to make an exception for India and Congress approves the nuclear cooperation agreement, India will be able to purchase uranium on the international market and will no longer face this dilemma. From that point on, India will be free to devote all of its domestic uranium supply to its weapons program.

Indian counterparts are saying exactly that. In a recent article from *The Hindu*, a major India newspaper, a former high level official in India's intelligence service argues this deal will allow India to produce about 50 bombs a year, a significant increase over the current number.

This is not to say that India will immediately begin a massive build up of nuclear arms, but they will have the capability to do so and that is a critical point for China and Pakistan, which will inevitably make their own strategic decisions based on worst case assessments of India's arsenal. In other words, many experts believe this deal will probably lead Pakistan and possibly China to build more of their own nuclear weapons.

With all due respect to President Musharraf on his assistance with the war on terror, I would argue the last thing anything of us should want is a Pakistan with even more fissile material and nuclear weapons than it already has.

Nowhere else in the world is there a greater risk of radical Islamic terrorists getting their hands on the ultimate weapon.

The third argument of this amendment is India's commitment in the July 18, 2005 Bush-Singh joint statement to assume the practices and responsibilities of other advanced nuclear weapon states. Four of the five recognized nuclear weapons states, the United States, Great Britain, France and Russia, have all stopped producing fissile material for nuclear weapons as a matter of policy. The fifth, China, has also halted production. It is hard to think of a more important practice for India to assume.

Mr. Chairman, the bill before us today includes some very nice language expressing the importance of achieving a fissile material production moratorium in South Asia. Unfortunately, it is contained in the statements of policy section of the bill, which, as we all know, is meaningless from a legal standpoint.

Another provision of the bill requires the President to determine that India is working after the United States for the conclusion of a multilateral fissile material cutoff treaty. That sounds good on the surface, but in many ways this, too, is largely devoid of meaning.

The U.S. recently introduced a draft fissile material cutoff treaty at the conference on disarmament in Geneva. This draft did not include any verification mechanism.

The Indian position, by contrast, is that the treaty must provide for verification and on this one I think India is right. Given that our two governments have diametrically opposed views regarding verification issues, it is not clear to me that the Indian commitment to work with us for the conclusion of such a treaty has very much practical value.

Chairman HYDE. The gentleman's time has expired.

Mr. BERMAN. 30 seconds additional?

Chairman HYDE. Without objection.

Mr. BERMAN. Mr. Chairman, I suggest for this Committee the most important question that one should ask on this amendment is not whether it is perceived as a deal breaker or will be acceptable to the Indians. The real test is whether it is a good policy and serves American national security interests. On both those counts, I would argue that it does.

Thank you, Mr. Chairman.

Mr. LANTOS. Mr. Chairman?

Chairman HYDE. Mr. Lantos?

Mr. LANTOS. Thank you very much, Mr. Chairman.

There is considerable merit and logic in my good friend's amendment. Nevertheless, I must strongly oppose it.

I need to urge all of my colleagues to remember that this legislation was never intended to be nor could it ever be a mechanism to force India to disarm or to halt its strategic nuclear program. Had that been the intention, we would never have had this agreement or any other agreement.

We simply cannot use India's increasing restrained energy situation, as some advocate, as leverage over the strategic choices New Delhi makes in terms of its own national security and its very national existence. Such an effort is certain to fail.

I agree that it would be highly desirable for New Delhi to decide soon that it does indeed have more than enough nuclear weapons to defend its existence against China or Pakistan or anyone else, but, Mr. Chairman, that choice must be made by Indians. I wish to repeat that. We are not in a position to make the most fundamental national security choices for the nation of India with its 1.1 billion people. They must come to the realization themselves that more nuclear weapons will not yield more security, a lesson we took decades to learn.

It is folly to think that we can force that choice upon a proud and great power such as India. Such an effort would not, in my judgment, be successful. Even if it were, it would be seen by New Delhi as a decision made through extortion, to be overturned at the very first opportunity. If the tables were turned, the United States would react the very same way.

We must take every opportunity to engage and persuade New Delhi to make this choice and to cease producing fissile material for nuclear weapons, hopefully in concert with its neighbors.

There are provisions in this bill that require the Administration to do precisely that. They provide that the policy of the United States is to support both a fissile material moratorium and a fissile material treaty, with both the United States and India as parties.

It also provides that it shall be United States policy to create a cap on nuclear arsenals in South Asia and it requires an annual report on the actions by the United States and India in the future to carry out these objectives.

The debate we are having today and next month on the House Floor on this issue will impress upon New Delhi and the Administration the deep concern that Congress has over this issue. There is no greater step that India can take to avoid an arms race on the subcontinent than to halt the production of fissile material for explosive purposes, but we must not make this a condition for our agreement, for if we do, we will find that we have sacrificed the benefits of this agreement, benefits that include a new foundation for nonproliferation cooperation and IAEA safeguards on many Indian nuclear facilities in order to achieve absolutely nothing. I repeat, in order to achieve absolutely nothing.

This amendment is a quintessential deal breaker. It kills the Indian-United States nuclear cooperation agreement and I urge all of my colleagues to vote against it.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Mr. Chairman?

Chairman HYDE. Who seeks recognition?

Mr. ACKERMAN. Mr. Ackerman.

Chairman HYDE. Mr. Ackerman?

Mr. ACKERMAN. I thank the Chairman and, with great reluctance, would like to oppose the very thoughtful amendment of my good friend, Mr. Berman, as well as that of Mr. Sherman and the Sherman-Berman California thing, whatever.

Let me try to recap where we are, if I can.

I think we all share the concerns that are being addressed here in a very, very thoughtful and important way, but there is an important reality. The NPT is very important. It is a very noble, historic agreement which expressed the ideal of its time. The reality of today is different.

India is an independent, democratic, sovereign nation that is going to do what it has to do in its own national security interests, as all countries do. The treaty and our best wishes will not, have not, cannot change that.

But what we have here is a country in India that is different than so many of the other countries that we are talking about, concerned with, listening to or watching. The reality is that nations today, despite the treaty, if they can steal, buy or develop nuclear technology are going to dabble and try to do that, the treaty notwithstanding. We are going to have to deal with this, not only today but in the future.

In India, we have a different kind of deal in that they are a democracy. We have asked the ask and they are doing everything that we are asking of them at this point.

The details of this, without getting very specific, India has approximately 22 nuclear plants. They are willing to put two-thirds of them open to transparency, open to inspection by the IAEA, under full safeguards and inspection. No other country is doing that. Pakistan is running away from the NPT. North Korea is running away from the NPT. China has no transparency.

India lives in a tough neighborhood. If you have a neighborhood in which you have a nuclear China, in which you have a nuclear Pakistan, if there was not an India we would have to invent one. Put \$2.00 on India. That is my suggestion. Two-thirds is better than having none. Two-thirds open to inspection, 14 existing plants that the IAEA can walk into that the world can see. And when they do that, what we do is we help them on the civilian side, not on the military side, by helping them acquire material to keep those energy plants going.

The world is going with nuclear energy. Realize it. Nobody is building overland telephone poles. Nobody is building old-fashioned energy plants. Nuclear is the way that countries who have voracious appetites for energy are going to go. We have to deal with that somehow and one of the ways is the way that this thoughtful legislation carefully crafted by the Chairman and Mr. Lantos addresses.

India is in compliance, willing to be in compliance with that and to open up. This is of critical import. We have asked them and they are willing to do it, unlike any other country.

Mr. Chairman, there was an old lady, she was walking along the beach with her grandson. All of a sudden, a giant 250-foot wave came from the ocean, reached the shore, grabbed the young man

and dragged him 300 feet out to sea where he was going down for the third time. The old woman looked up to the heavens and said, "God, please help me. I have lived a righteous life, I have never done anything wrong in my entire life. This is the only son of my only son. Please save him. I will ask nothing else of you in the rest of my life." Suddenly, the clouds parted, a hand reached down from the heavens and under the sea, scooped up the child and placed him on the beach next to the old lady and she looked up and said, "He had a hat."

My colleagues, we have asked the ask of India. Do not push for the hat.

I yield back the balance of my time.

Chairman HYDE. India has already agreed to work with the United States toward a fissile material cutoff treaty and keeping that pledge is already a requirement in the list of determinations in this document. The United States, Britain and France have a unilateral moratorium in place. It would be very difficult to press India to do so without China doing the same.

India and the Administration have said mandatory caps on fissile material production are unacceptable and so I oppose this well-intentioned amendment.

I am pleased to recognize Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

Mr. Chairman, I would like to than you and Mr. Lantos for all the thoughtful work you have done on the markup that we are working off of. I truly do appreciate it.

The term "deal breaker" has been used here and I do believe that both the Chairman and the Ranking Member with all the work that they have done on behalf of this Committee and the people of the United States do understand what a deal breaker is. However, I am going to be supporting the Berman amendment and I would just like to state for the record why.

I did not make an opening statement. When President Bush announced this significant change in United States policy with India, it was with bittersweetness. I was thrilled with the prospect of working closer with India, but sad in the way that it was already decided, the direction we were going to go with this nuclear agreement, before coming to the Congress and having a full, open debate.

My good friend from American Samoa reminded me in his comments of what it was like being a child in the 1960s hearing about nuclear explosions and tests all around the world and I cannot help but think as a Member of Congress and having spoken with people from my district that they want to see a reduction in nuclear weapons. I think the Berman amendment—and the reason why I am supporting it—gives us an opportunity to ask for India's help, to ask for India's help in the future in making sure that countries as they move forward with nuclear reactors go forward in a direction that is for peaceful means only.

I thank Mr. Berman for offering this amendment and I would vote for it, with the understanding that India knows that this is not a deal breaker. It is asking India to put pen to paper with what it already so strongly does by moving forward with this agreement. In saying that, we should move forward with nuclear production

that is not making weapon of mass destruction but moving forward with nuclear production that provides power, opportunity and hope for the world.

With that, Mr. Chair, I thank you for the time and I thank Mr. Berman for offering this amendment.

Chairman HYDE. Ms. Lee of California?

Ms. LEE. Thank you, Mr. Chairman.

I support the Berman amendment. I think it is a step forward in nonproliferation efforts as relates to this agreement and I would like to yield the balance of my time to Mr. Berman.

Chairman HYDE. The question—

Ms. LEE. I would like to yield some time to Mr. Berman.

Chairman HYDE. Mr. Berman?

Mr. BERMAN. I thank the gentlelady for yielding.

Just very quickly, number one, this is not an effort to disarm India. I come into this entire debate accepting the reality of India as a state with nuclear weapons and that they have no intention of abandoning their nuclear weapons. India wants something that we and the nuclear suppliers group have, which is a great deal of technology and equipment and fuel, for them to move ahead on their economic progress in terms of intelligent energy policies and they want that from us.

We do not know if it is a deal breaker until we put it to them. I would just like our Congress to negotiate as toughly as the Indians do in this whole process. The adoption of this amendment will let India know that we are serious about this. This is a country with a credible minimal nuclear deterrent against both China and Pakistan. They have a serious nuclear arsenal. Surely this alternative with a ban on fissile material production is a better alternative than refueling an arms race that—remember, China has halted its production of fissile material and then we come down on Pakistan. That is why I think on balance let us test the proposition here and let us do something that is clearly in our interests and we think in the long term in India's interests, India will have to obviously make that decision for itself.

Mr. SHERMAN. Mr. Chairman?

Chairman HYDE. Mr. Sherman.

Mr. SHERMAN. I rise in support of the amendment. It is tougher than I would be, but I think being a little too strong in favor of controlling nuclear weapons and nonproliferation is better than the base text of the bill, which is way too weak.

The facts are that India has lots of ore in the ground, but it is low quality ore. They are only able to produce 300 tons of uranium a year and they want to both have electric power and build nuclear weapons. They face a Hobson's choice. They end up using half their uranium, roughly, to build nuclear bombs and they are building fewer than they want to. They use about half their uranium production for their existing nuclear power plants and those plants cannot be run at full capacity even though India has a crying need for electricity because they can only allocate or choose only to allocate half their uranium production to those nuclear power plants.

If this agreement goes through, if the base bill goes through, then all 300 tons of uranium production can be used by India to create fissile material for nuclear bombs. It is not in our interests

for India to build more nuclear bombs than they do this year. It is certainly not in our interests to see China and Pakistan react to an acceleration of the Indian nuclear program. Finally, we are signatories to the Non-Proliferation Treaty which states in part that we agree not to assist India in building nuclear weapons. Uranium is fungible. The India nuclear weapons program does not have as much uranium as India would like to give it and for us to provide or facilitate the providing of uranium for all their civilian needs so that all their domestic production can go toward making bombs is for us to assist India in building nuclear bombs.

My good friend from New York points out that under this agreement two-thirds of India's plants will be subject to inspection, but India's problem is to plants. They have plenty of plants and even the one-third of the plants that are not subject to inspection will be plenty to build the nuclear weapons they want to build.

India's constraint is uranium, quality uranium ore, and this lifts that restraint if we pass the bill in its form, a form that would be dramatically improved if we adopt the Berman amendment.

India has asked for help with its energy sector. It very much needs that help. It has asked for our help, perhaps it has prayed for our help. They do not need the hat, too. They do not need us to also facilitate them building more nuclear weapons than they could in the absence of this agreement.

Finally, while it is good that India has committed to "work with us" toward a worldwide treaty limiting or banning the creation of fissile material, to "work with us" is an incredibly vague commitment and not a substitute for the Berman amendment. That is why I hope this amendment is adopted and will give us a dramatically improved bill.

I yield back.

Chairman HYDE. Mr. Rohrabacher is recognized for 1 minute.

Mr. ROHRABACHER. Thank you very much.

Let me just note that technology is available to achieve this end and, again, I repeat that this should be looked at by our Government as we move forward.

Also, let me note, however, if we in some way imperil this particular deal that we have made with India, we are going to have the opposite results of what Mr. Berman is intending by his amendment because the fact is then India will feel even more compelled to produce nuclear weapons. The closer India is to the United States the more—if we have a close relationship which they know they can count on the United States, they are less likely to waste their money on nuclear weapons when they can rely on the United States in times of emergency.

Although I certainly support the spirit of what Mr. Berman has in mind and I, too, hope to accomplish this nonproliferation end, we should not imperil this agreement in this way.

Thank you very much.

Chairman HYDE. The question occurs on the amendment offered by Mr. Berman.

All those—

Mr. SCHIFF. Mr. Chairman?

Chairman HYDE. Who seeks recognition?

Mr. Schiff?

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Chairman HYDE. The gentleman is recognized for another 5 minutes.

Mr. SCHIFF. And, again, I will not take up the 5 minutes.

I do want to speak very briefly in support of my colleague's, Mr. Berman's, amendment. The issue is not here, I think, using this proposed agreement to put the brakes on India's nuclear weapons program. The issue, I think, is to make sure that this agreement does not in fact put the foot to the accelerator in expanding India's nuclear weapons program and the proposal to seek a moratorium on the production of new fissile material will at least ensure we are not stepping on the accelerator.

I think perhaps the better analogy than the child coming up on the beach without the hat is the child coming up on the beach without its head, or at least blinded.

I would encourage a strong vote on this amendment because in addition to what we are discussing here today, when the further details of this agreement are being hammered out, it would be useful for the negotiators to know that Congress feels strongly that this agreement should not be used to accelerate India's nuclear weapons program.

I thank you and yield back.

Mr. FALEOMAVAEGA. Mr. Chairman?

Chairman HYDE. Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the last word.

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. FALEOMAVAEGA. I have the highest respect for my good friend from California for his proposed amendment. I think there is considerable concern to say that every effort should be made for the purpose of reduction of nuclear weapons. I am not an expert on the specifics and the complexities of the Non-Proliferation Treaty, but I will submit, Mr. Chairman, this child has matured since 1974 and I go back again. India, when it first exploded its nuclear bomb in 1974, the Prime Minister of India at that time made an appeal before the United Nation General Assembly saying, look, we can also explode a nuclear bomb, let us be serious about dismantling nuclear weapons all together.

Guess what? Total silence from the members of the nuclear five club, including our own country.

So what right is it there to say that only five canters of the world can continue owning nuclear weapons and telling the rest of the world they cannot do the same?

I think that is the sense of hypocrisy that I in my own humble way of saying, Mr. Chairman, that this is a contradiction. This a hypocrisy. We are saying that we want to get rid of nuclear weapons all together, but having different rules for different countries and India is caught in the middle.

Why are we subjecting this one country to these further added restrictions when others cannot do the same?

I think I respectfully cannot support my good friend's amendment, but I will say the child has matured since 1974, it has made an appeal to get rid of nuclear weapons all together, but this has not happened and I had hoped that maybe the five nuclear coun-

tries could take such an initiative perhaps to get rid of this madness, no nuclear weapons all together, and I am certain that India will probably follow likewise. But this has not happened and I can understand why India refuses to sign the Non-Proliferation Treaty, simply because the others have it and India cannot have one, when you have Pakistan and China as its neighbors? And I am not saying that there is going to be any nuclear war among these three countries, but just the fact that if I were an Indian, I would be very uncomfortable sleeping overnight knowing that China and Pakistan have the bomb and I do not.

Now, that may sound too simplistic in my humble opinion, Mr. Chairman, but I think that is really the bottom line when we talk about nonproliferation on one end, making restrictions on some countries like India, but it is okay for other countries to continue to have nuclear weapons and use it when it is in their national interests and I have some concerns about that.

With that, Mr. Chairman, I yield back the balance of my time.

Chairman HYDE. The question occurs on the amendment offered by Mr. Berman.

All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[Chorus of nays.]

Mr. FALEOMAVAEGA. Rollcall, Mr. Chairman.

Chairman HYDE. A rollcall has been called for.

The clerk will call the role.

Ms. RUSH. Mr. Leach?

Mr. LEACH. Aye.

Ms. RUSH. Mr. Leach votes yes.

Mr. Smith of New Jersey?

Mr. SMITH OF NEW JERSEY. Yes.

Ms. RUSH. Mr. Smith of New Jersey votes yes.

Mr. Burton?

Mr. BURTON. No.

Ms. RUSH. Mr. Burton votes no.

Mr. Gallegly?

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.

Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Ms. Ros-Lehtinen votes no.

Mr. Rohrabacher?

Mr. ROHRABACHER. No.

Ms. RUSH. Mr. Rohrabacher votes no.

Mr. Royce?

Mr. ROYCE. No.

Ms. RUSH. Mr. Royce votes no.

Mr. King?

Mr. KING. No.

Ms. RUSH. Mr. King votes no.

Mr. Chabot?

Mr. CHABOT. No.

Ms. RUSH. Mr. Chabot votes no.

Mr. Tancredo?

Mr. Tancredo. No.
 Ms. RUSH. Mr. Tancredo votes no.
 Mr. Paul?
 [No response.]
 Ms. RUSH. Mr. Issa?
 Mr. ISSA. No.
 Ms. RUSH. Mr. Issa votes no.
 Mr. Flake?
 Mr. FLAKE. No.
 Ms. RUSH. Mr. Flake votes no.
 Ms. Davis?
 [No response.]
 Ms. RUSH. Mr. Green?
 Mr. GREEN. No.
 Ms. RUSH. Mr. Green votes no.
 Mr. Weller?
 Mr. WELLER. No.
 Ms. RUSH. Mr. Weller votes no.
 Mr. Pence?
 Mr. PENCE. No.
 Ms. RUSH. Mr. Pence votes no.
 Mr. McCotter?
 Mr. McCOTTER. No.
 Ms. RUSH. Mr. McCotter votes no.
 Ms. Harris?
 Ms. HARRIS. No.
 Ms. RUSH. Ms. Harris votes no.
 Mr. Wilson?
 Mr. WILSON. No.
 Ms. RUSH. Mr. Wilson votes no.
 Mr. Boozman?
 [No response.]
 Ms. RUSH. Mr. Barrett?
 Mr. BARRETT. No.
 Ms. RUSH. Mr. Barrett votes no.
 Mr. Mack?
 [No response.]
 Ms. RUSH. Mr. Fortenberry?
 Mr. FORTENBERRY. No.
 Ms. RUSH. Mr. Fortenberry votes no.
 Mr. McCaul?
 Mr. MCCAUL. No.
 Ms. RUSH. Mr. McCaul votes no.
 Mr. Poe?
 Mr. POE. No.
 Ms. RUSH. Mr. Poe votes no.
 Mr. Lantos?
 Mr. LANTOS. No.
 Ms. RUSH. Mr. Lantos votes no.
 Mr. Berman?
 Mr. BERMAN. Aye.
 Ms. RUSH. Mr. Berman votes yes.
 Mr. Ackerman?
 Mr. ACKERMAN. No.

Ms. RUSH. Mr. Ackerman votes no.
 Mr. Faleomavaega?
 Mr. FALEOMAVAEGA. No.
 Ms. RUSH. Mr. Faleomavaega votes no.
 Mr. Payne?
 [No response.]
 Ms. RUSH. Mr. Brown?
 Mr. BROWN. Yes.
 Ms. RUSH. Mr. Brown votes yes.
 Mr. Sherman?
 Mr. SHERMAN. Yes.
 Ms. RUSH. Mr. Sherman votes yes.
 Mr. Wexler?
 [No response.]
 Ms. RUSH. Mr. Engel?
 Mr. ENGEL. No.
 Ms. RUSH. Mr. Engel votes no.
 Mr. Delahunt?
 Mr. DELAHUNT. Yes.
 Ms. RUSH. Mr. Delahunt votes yes.
 Mr. Meeks?
 Mr. MEEKS. No.
 Ms. RUSH. Mr. Meeks votes no.
 Ms. Lee?
 Ms. LEE. Yes.
 Ms. RUSH. Ms. Lee votes yes.
 Mr. Crowley?
 Mr. CROWLEY. No.
 Ms. RUSH. Mr. Crowley votes no.
 Mr. Blumenauer?
 Mr. BLUMENAUER. Yes.
 Ms. RUSH. Mr. Blumenauer votes yes.
 Ms. Berkley?
 Ms. BERKLEY. No.
 Ms. RUSH. Ms. Berkley votes no.
 Ms. Napolitano?
 Ms. NAPOLITANO. Yes.
 Ms. RUSH. Ms. Napolitano votes yes.
 Mr. Schiff?
 Mr. SCHIFF. Yes.
 Ms. RUSH. Mr. Schiff votes yes.
 Ms. Watson?
 Ms. WATSON. Aye.
 Ms. RUSH. Ms. Watson votes yes.
 Mr. Smith of Washington?
 Mr. SMITH OF WASHINGTON. No.
 Ms. RUSH. Mr. Smith of Washington votes no.
 Ms. McCollum?
 Ms. MCCOLLUM. Aye.
 Ms. RUSH. Ms. McCollum votes yes.
 Mr. Chandler?
 Mr. CHANDLER. Yes.
 Ms. RUSH. Mr. Chandler votes yes.
 Mr. Cardoza?

Mr. CARDOZA. No.
 Ms. RUSH. Mr. Cardoza votes no.
 Mr. Carnahan?
 Mr. CARNAHAN. No.
 Ms. RUSH. Mr. Carnahan votes no.
 Chairman Hyde?
 Chairman HYDE. No.
 Ms. RUSH. Chairman Hyde votes no.
 Chairman HYDE. The clerk will report.
 Mr. BERMAN. Are there any other Members who wish to vote?
 Chairman HYDE. Are there any other Members who wish to vote
 or change their vote?
 [No response.]
 Chairman HYDE. The clerk will report.
 Mr. BERMAN. Mr. Wexler.
 Chairman HYDE. Mr. Wexler?
 Mr. WEXLER. No.
 Ms. RUSH. Mr. Wexler votes no.
 On this vote, there are 13 ayes and 32 noes.
 Chairman HYDE. The amendment is not agreed to.
 Mr. Berman is recognized for another amendment.
 Mr. BERMAN. Thank you, Mr. Chairman, and I will try to be
 much briefer on this one.
 Amendment 63.
 Chairman HYDE. The clerk will report the amendment.
 Ms. RUSH. Amendment offered by Mr. Berman of California. In
 section 4, insert after subsection (e)——
 Chairman HYDE. Without objection, further reading is dispensed
 with.
 [The amendment of Mr. Berman follows:]

AMENDMENT TO H.R. _____
OFFERED BY MR. BERMAN OF CALIFORNIA

In section 4, insert after subsection (e) the following new subsection:

- 1 (f) LIMITATION ON NUCLEAR TRANSFERS TO
2 INDIA.—Notwithstanding any other provision of law, nu-
3 clear transfers under an agreement for nuclear coopera-
4 tion with India (arranged pursuant to section 123 of the
5 Atomic Energy Act of 1954 (42 U.S.C. 2153)) shall not
6 include source material and special nuclear material (as
7 defined in section 11 of such Act (42 U.S.C. 2014)) unless
8 the President determines that India—
- 9 (1) is adhering to a unilateral moratorium on
10 the production of fissile material for nuclear weap-
11 ons;
- 12 (2) is adhering to a multilateral moratorium on
13 the production of fissile material for nuclear weap-
14 ons; or
- 15 (3) has signed and is adhering to a multilateral
16 treaty prohibiting the production of fissile material
17 for nuclear weapons.

Chairman HYDE. Mr. Berman is recognized for 5 minutes in support of his amendment.

Mr. BERMAN. Thank you very much, Mr. Chairman.

I guess I would call this amendment, well, we do not want to be a deal breaker, but let us not be an enabler.

This is a proposal made by Senator Sam Nunn, former Senator Nunn, one of our most respected voices on the nonproliferation issue. It allows exports of nuclear reactors, components and other technology to India as soon as the nuclear suppliers group decides by consensus to make an exemption for India and Congress approves the agreement. That is what the base bill provides. But it restricts transfer of uranium and other types of nuclear reactor fuel, source material and special nuclear material in the parlance of the Atomic Energy Act until the President determines that India has stopped the production of fissile material.

I do not need to repeat all the arguments on the merits of India halting its production of fissile material, but what this does is say all other aspects of nuclear technology you can get, but we are not going to sign on for a nuclear cooperation agreement which provides you the substitute fuel so that you can divert your domestic fuel into making more nuclear weapons, so it restricts that one aspect of nuclear exports and that is the proposal. It is a much more modest proposal than my earlier one and I submit it to you for your consideration.

Chairman HYDE. Mr. Lantos?

Mr. LANTOS. Mr. Chairman, I will try to be extremely brief.

I strongly oppose this amendment basically for the same reasons I opposed the earlier amendment, which our Committee wisely rejected.

This amendment is also a killer amendment. There is an additional reason for opposing this amendment which was not present in the earlier one. If the nuclear suppliers group does not adopt the identical approach proposed in this amendment, then we will have succeeded in ensuring that our own industry will be prevented from exporting to India. I think it is utterly unlikely that the nuclear suppliers group will set exactly the conditions that this amendment proposes, which means that France and Russia or any other country may export to India once they have decided that India deserves an exemption to its guidelines.

The French, the Russians will be free to export everything while we could not export anything. Indeed, I would expect that India would be disinclined to purchase any reactors or technology from the United States under the circumstances specified in this amendment.

I urge all of my colleagues—

Mr. BERMAN. Would the gentleman yield just for a brief response?

Mr. LANTOS. I would be happy to yield.

Mr. BERMAN. I thank him very much for yielding.

First, the nuclear suppliers group only makes its decisions by consensus, so the United States can block any change in their guidelines which would allow nuclear fuel to go to India. The United States does have in effect the veto on that, so we will not see a situation—

Mr. LANTOS. Reclaiming my time, it will be total hypocrisy for the United States to pursue a policy which is diametrically opposed to the policy the United States Government is now advocating.

I have reclaimed my time and I yield back the balance of my time.

Mr. ISSA. Mr. Chairman?

Chairman HYDE. Mr. Issa.

Mr. ISSA. Mr. Chairman, move to strike the last word.

Chairman HYDE. The gentleman is recognized.

Mr. ISSA. I will be brief in opposition to this amendment for a slightly different reason than the Ranking Member and that is that the entire premise of this amendment is that we will deny India the ability for peaceful use of importation of uranium because by blocking their peaceful use—if in fact we block their peaceful use we will force them to use their limited amount of uranium for their weapons.

They have already proven that they can in fact get the amount necessary to produce weapons, so the only purpose of this, if it were to succeed, would be to not have peaceful nuclear energy in India, not to have their terrible environment cleaned up by zero emissions reactors, not to have all of those other uses, but even Mr. Berman on this statement never claimed that if you succeeded with this that somehow you would stop them from enriching additional fissile material.

For that reason, this amendment serves no purpose but to actually stop, if it were to succeed, to stop peaceful nuclear work, which is exactly what the President was trying to achieve in this agreement, was to enable the peaceful work, recognizing that to the extent that India wants to continue to produce nuclear weapons, they can do that with or without an agreement.

With that, I would yield back.

Chairman HYDE. The Chair states that he is informed there will be votes around 12:30. I do not know how close that will be, but I would like to make as much progress as we can with these amendments.

The question is on the Berman amendment.

All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[Chorus of nays.]

Mr. LANTOS. Rollcall, Mr. Chairman.

Chairman HYDE. A rollcall is requested and we shall have it.

The clerk will call the roll.

Ms. RUSH. Mr. Leach?

Mr. LEACH. Aye.

Ms. RUSH. Mr. Leach votes yes.

Mr. Smith of New Jersey?

Mr. SMITH OF NEW JERSEY. Yes.

Ms. RUSH. Mr. Smith of New Jersey votes yes.

Mr. Burton?

Mr. BURTON. No.

Ms. RUSH. Mr. Burton votes no.

Mr. Gallegly?

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.
 Ms. Ros-Lehtinen?
 Ms. ROS-LEHTINEN. No.
 Ms. RUSH. Ms. Ros-Lehtinen votes no.
 Mr. Rohrabacher?
 Mr. ROHRABACHER. No.
 Ms. RUSH. Mr. Rohrabacher votes no.
 Mr. Royce?
 Mr. ROYCE. No.
 Ms. RUSH. Mr. Royce votes no.
 Mr. King?
 Mr. KING. No.
 Ms. RUSH. Mr. King votes no.
 Mr. Chabot?
 Mr. CHABOT. No.
 Ms. RUSH. Mr. Chabot votes no.
 Mr. Tancredo?
 Mr. Tancredo. No.
 Ms. RUSH. Mr. Tancredo votes no.
 Mr. Paul?
 [No response.]
 Ms. RUSH. Mr. Issa?
 Mr. ISSA. No.
 Ms. RUSH. Mr. Issa votes no.
 Mr. Flake?
 [No response.]
 Ms. RUSH. Ms. Davis?
 [No response.]
 Ms. RUSH. Mr. Green?
 Mr. GREEN. No.
 Ms. RUSH. Mr. Green votes no.
 Mr. Weller?
 Mr. WELLER. No.
 Ms. RUSH. Mr. Weller votes no.
 Mr. Pence?
 Mr. PENCE. No.
 Ms. RUSH. Mr. Pence votes no.
 Mr. McCotter?
 Mr. MCCOTTER. No.
 Ms. RUSH. Mr. McCotter votes no.
 Ms. Harris?
 Ms. HARRIS. No.
 Ms. RUSH. Ms. Harris votes no.
 Mr. Wilson?
 Mr. WILSON. No.
 Ms. RUSH. Mr. Wilson votes no.
 Mr. Boozman?
 [No response.]
 Ms. RUSH. Mr. Barrett?
 Mr. BARRETT. No.
 Ms. RUSH. Mr. Barrett votes no.
 Mr. Mack?
 [No response.]
 Ms. RUSH. Mr. Fortenberry?

Mr. FORTENBERRY. Yes.
Ms. RUSH. Mr. Fortenberry votes yes.
Mr. McCaul?
Mr. McCAUL. No.
Ms. RUSH. Mr. McCaul votes no.
Mr. Poe?
Mr. POE. No.
Ms. RUSH. Mr. Poe votes no.
Mr. Lantos?
Mr. LANTOS. No.
Ms. RUSH. Mr. Lantos votes no.
Mr. Berman?
Mr. BERMAN. Aye.
Ms. RUSH. Mr. Berman votes yes.
Mr. Ackerman?
Mr. ACKERMAN. No.
Ms. RUSH. Mr. Ackerman votes no.
Mr. Faleomavaega?
Mr. FALEOMAVAEGA. No.
Ms. RUSH. Mr. Faleomavaega votes no.
Mr. Payne?
[No response.]
Ms. RUSH. Mr. Brown?
Mr. BROWN. Yes.
Ms. RUSH. Mr. Brown votes yes.
Mr. Sherman?
Mr. SHERMAN. Yes.
Ms. RUSH. Mr. Sherman votes yes.
Mr. Wexler?
[No response.]
Ms. RUSH. Mr. Engel?
Mr. ENGEL. No.
Ms. RUSH. Mr. Engel votes no.
Mr. Delahunt?
[No response.]
Ms. RUSH. Mr. Meeks?
Mr. MEEKS. No.
Ms. RUSH. Mr. Meeks votes no.
Ms. Lee?
Ms. LEE. Yes.
Ms. RUSH. Ms. Lee votes yes.
Mr. Crowley?
Mr. CROWLEY. No.
Ms. RUSH. Mr. Crowley votes no.
Mr. Blumenauer?
[No response.]
Ms. RUSH. Ms. Berkley?
Ms. BERKLEY. No.
Ms. RUSH. Ms. Berkley votes no.
Mr. Napolitano?
Ms. NAPOLITANO. Yes.
Ms. RUSH. Ms. Napolitano votes yes.
Mr. Schiff?
Mr. SCHIFF. Yes.

Ms. RUSH. Mr. Schiff votes yes.
 Ms. Watson?
 Ms. WATSON. Aye.
 Ms. RUSH. Ms. Watson votes yes.
 Mr. Smith of Washington?
 Mr. SMITH OF WASHINGTON. No.
 Ms. RUSH. Mr. Smith of Washington votes no.
 Ms. McCollum?
 Ms. MCCOLLUM. Aye.
 Ms. RUSH. Ms. McCollum votes yes.
 Mr. Chandler?
 Mr. CHANDLER. Yes.
 Ms. RUSH. Mr. Chandler votes yes.
 Mr. Cardoza?
 Mr. CARDOZA. No.
 Ms. RUSH. Mr. Cardoza votes no.
 Mr. Carnahan?
 Mr. CARNAHAN. No.
 Ms. RUSH. Mr. Carnahan votes no.
 Chairman Hyde?
 Chairman HYDE. No.
 Ms. RUSH. Chairman Hyde votes no.
 Mr. Flake?
 Mr. FLAKE. No.
 Ms. RUSH. Mr. Flake votes no.
 Chairman HYDE. Have all voted who wish?
 Mr. Mack?
 Ms. RUSH. Mr. Mack votes no.
 Chairman HYDE. The clerk will report.
 Ms. RUSH. On this vote, there are 12 ayes and 31 noes.
 Chairman HYDE. The amendment is not agreed to.
 Mr. Royce of California is recognized.
 Mr. ROYCE. Mr. Chairman, I have an amendment at the desk.
 Chairman HYDE. The clerk will report the amendment.
 Ms. RUSH. Amendment offered by Mr. Royce of California. section 4(d), insert before paragraph (1) the following new paragraph—
 Chairman HYDE. Without objection, further reading of the amendment is dispensed with.
 [The amendment of Mr. Royce follows:]

**AMENDMENT TO H.R. 5682
OFFERED BY MR. ROYCE OF CALIFORNIA**

Section 4(d), insert before paragraph (1) the following new paragraph (and redesignate subsequent paragraphs accordingly):

IN GENERAL. – Pursuant to the obligations of the United States under Article I of the NPT, nothing in this Act, or any agreement pursuant to this Act, shall be interpreted as permitting any civil nuclear cooperation between the United States and India that would in any way assist, encourage, or induce India to manufacture or otherwise acquire nuclear weapons or nuclear explosive devices.

Chairman HYDE. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. ROYCE. Thank you, Mr. Chairman. I am going to be brief.

I think the amendment is straightforward and I believe it is non-controversial.

During hearings on this agreement, several Members expressed concerns that it would somehow bolster India's weapons program and that in turn that would lead to an arms race in Asia.

When presenting this agreement to the Committee, Secretary Rice met that criticism, I thought, head on. These were her words, she said, "Nothing we are proposing would violate our obligation that we not in any way assist India's nuclear weapons program."

What this amendment does is to put the Secretary's words, Administration policy, into this bill. What the amendment does is add a new section that states that pursuant to U.S. obligations under article 1 of the Non-Proliferation Treaty no form of civil assistance from the United States shall be used to assist India's strategic weapons program.

As Chairman of the International Terrorism and Nonproliferation Subcommittee, I believe it is important that Congress go on record and make clear that this is not the intent of the agreement and I believe you, Mr. Chairman, are in support of this agreement and that the Administration is as well, but I think it is important we put this into the measure.

Mr. LANTOS. Mr. Chairman?

Chairman HYDE. Mr. Lantos?

Mr. LANTOS. Mr. Chairman, I have not asked every Member on our side but I believe there is no opposition to this amendment. I strongly support this amendment and urge all my colleagues to do so.

Chairman HYDE. So do I.

The question occurs on the Royce amendment.

Mr. SHERMAN. Mr. Chairman?

Chairman HYDE. Who seeks recognition?

Mr. SHERMAN. Brad Sherman seeks recognition.

Chairman HYDE. Mr. Sherman?

Mr. SHERMAN. I support this amendment, I am just trying to figure out whether it is a general expression of good thoughts or whether it will have some real legal teeth to it.

Chairman HYDE. Either way, you support it, right?

Mr. SHERMAN. Either way I support it, but understanding it may be just as important as supporting it.

If Mr. Royce will indulge me here, this says that we would not assist India to manufacture nuclear weapons. Does that include providing all the uranium that India needs for its existing nuclear power plants so that it can change its policy and devote all of its domestic uranium to the production of nuclear weapons?

Does the phrase "assist India to manufacture or otherwise acquire nuclear weapons" deal with the fact that uranium is fungible?

Mr. ROYCE. This is not a statement of policy. This puts into the law that we are going to abide by our article 1 obligations and if you will recall from some of our hearings we did have witnesses who did think that the United States should assist in building up India's nuclear program. This puts into law the words of the Secretary of State and restates our obligation under the Non-Proliferation Treaty. So I think it is an important addition to the bill and I urge your support.

Mr. SHERMAN. I would yield the remainder of my time to Mr. Berman.

Mr. BERMAN. I thank the gentleman for yielding.

This is sort of rewriting Abraham Lincoln's story. He was asked if you call the tail a leg, how many legs does a sheep have? Assuming a sheep has a tale. And Lincoln said four because calling a tail a leg does not make it one. I am for this amendment, but saying we are not going to——

Mr. LANTOS. Would the gentleman restate his last——

Mr. BERMAN. Yes. When my friend from California offers an amendment that says nothing here shall be construed as permitting any civil nuclear cooperation between United States and India to assist them in the manufacture of nuclear weapons, I am saying it is nice, but that does not make it so. For reasons we have covered extensively and will be raised again when Mr. Sherman and Mr. Schiff offer their amendments, the fact is that this does allow the diversion of their domestic uranium to the production of nuclear weapons.

Chairman HYDE. The question occurs on the Royce amendment. All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it and the amendment is agreed to.

Mr. Sherman?

Mr. SHERMAN. Thank you, Mr. Chairman.

I have three amendments, the first of which, which is labeled number 4, just to confuse the Committee, is one that we have worked with your staff on and I hope very much would be accepted. It deals with the issue of whether when the nuclear suppliers group changes its rules to allow supplying India to make sure that that is not some sort of package deal that includes Pakistan or any other country.

I would go on with my wonderful arguments, except if you are prepared to accept the amendment, I would like to move forward.

[The amendment of Mr. Sherman follows:]

AMENDMENT TO H.R. 5682
OFFERED BY MR. SHERMAN OF CALIFORNIA

On Page 10, Line 17, after "NSG" insert "and such decision does not permit civil nuclear commerce with any other non-nuclear weapons state that does not have IAEA safeguards on all nuclear materials within its territory, under its jurisdiction, or carried out under its control anywhere."

Chairman HYDE. I am certainly under those circumstances prepared to accept the amendment.

Mr. SHERMAN. I ask unanimous consent that the amendment be accepted.

Chairman HYDE. It is accepted.

All those in favor, say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it and the amendment is agreed to.

Mr. SHERMAN. Thank you. Mr. Chairman, I have another——

Chairman HYDE. The clerk will designate the next Sherman amendment.

Mr. SHERMAN. Mr. Chairman, I reserve a point of order on this amendment.

Chairman HYDE. The gentleman reserves a point of order.

Mr. SHERMAN. On my Iran amendment or on the——

Chairman HYDE. The amendment that is now coming forward.

Mr. SHERMAN. This is Sherman number 1, about half as strong as Mr. Berman's amendment, so let us go forward with it.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Sherman of California. Section 4(b) is amended by adding at the end the following new paragraph: (8) The amount of domestic uranium used in India's military program during a 12-month period ending on the date of the determination——

Chairman HYDE. Without objection, further reading is dispensed with.
[The amendment of Mr. Sherman follows:]

AMENDMENT TO H.R. _____
OFFERED BY MR. SHERMAN OF CALIFORNIA

Section 4(b) is amended by adding at the end the following new paragraph:

1 (8) The amount of domestic uranium used in
2 India's military program during a 12-month period
3 ending on the date of the determination is equal to
4 or less than the amount of domestic uranium used
5 in India's military program during the 12-month pe-
6 riod ending on July 18, 2005.

In section 4, insert after subsection (o) the following new subsection (and redesignate subsequent subsections accordingly):

7 (p) ANNUAL CERTIFICATION; TERMINATION OF CO-
8 OPERATION.—Nuclear cooperation with India shall be ter-
9 minated unless one year after making the determination
10 described in subsection (b)(8), and annually thereafter,
11 the president certifies that during the previous 12-month
12 period the amount of domestic uranium used in India's
13 military program is equal to or less than the amount of
14 domestic uranium used in India's military program during
15 the 12-month period ending on July 18, 2005.

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. SHERMAN. This amendment is designed to effectuate and put teeth into Mr. Royce's amendment which we just supported. Mr. Royce's amendment sets forward the concept that we should not assist India build more nuclear weapons than it would have otherwise.

Now, I agree with Mr. Berman that it would be great if we could get India, as part of this agreement, to stop building any nuclear weapons, to join with so many nuclear states in stopping the creation of fissile material, but this amendment does not go near that far. It does not tell India that it should reduce in any way the amount of nuclear weapons that it is creating. It simply says that India should not use this agreement to increase the number of nuclear weapons that it creates.

Now, Mr. Royce's amendment says pretty much the same thing, but Mr. Royce's amendment at least as far as I can tell does not have the teeth that I would like to see.

I would go on for the 4 or 5 minutes except I think I have already made these points before to the Committee. India right now has to choose between its energy sector and its bomb making capacity for its use of its domestic supply. It is dividing that supply roughly half and half. The purpose of this amendment is to make sure that the amount of India's domestic uranium going to its nuclear bomb program is not increased, that we do not by providing uranium fuel for India's existing nuclear electric facilities, that we do not in the words of Mr. Royce's amendment in building nuclear weapons.

This is an amendment that does not punish India for becoming a nuclear state. It does not prevent India from continuing its nuclear program the way they have been running it up until now, prevent them from building as many bombs in 2007 as they did in 2005. It simply says that our hands must be clean, that the world will not assist in India in building more nuclear weapons.

With that, I yield back.

Mr. SHERMAN. Mr. Chairman, I withdraw my point of order.

Chairman HYDE. You withdraw your point of order?

Mr. SHERMAN. Yes, sir.

Chairman HYDE. All right. Mr. Lantos?

Mr. LANTOS. Thank you, Mr. Chairman.

I first want to commend my friend from California for having his first amendment approved by this Committee, but I have to oppose this one. There are two reasons why I oppose this one. One is a policy reason, the other is a reason of practicality.

Regarding the policy reason, it sets as a new policy that India must never increase its rate of production for fissile material for military nuclear purposes, even with its own domestic uranium used in reactors and facilities that India has declared and the United States has accepted as outside of international oversight and inspection, regardless of New Delhi's judgments regarding its own strategic requirements to safeguard its national security.

Make no mistake. This is a killer amendment. The result is that we would sacrifice the benefits of the United States-India civilian nuclear cooperation agreement and in the end we will have achieved nothing.

Regarding the problem of practicality, it would be impossible for the President of the United States to provide certification. I do not believe that we know either through intelligence or other means the information required by this amendment, at least not with enough confidence for a Presidential certification to Congress. I sincerely doubt—that is an understatement. The Indians would never open their most secret military books for our perusal, just as we would not open ours to them.

Mr. Chairman, we all believe that we should be capping nuclear arsenals in South Asia and that we should be proceeding with a multilateral moratorium or treaty to ban the production of fissile material and the legislation before us already states that.

Under the underlying legislation, we require reporting on the steps India and the United States are taking to complete such a ban. The underlying legislation also requires reports on India's production of fissile material so that we can try to conduct oversight in this important arena.

In reality, however, this amendment is intended as a deal killer. I urge my colleagues to rely on the underlying text and strongly oppose this amendment.

Chairman HYDE. The proposed language sets up an impossible test. We cannot know with any certainty how much fissile material India will use for its military program. At best, we have a rough estimate and the President could never make this determination with any confidence. This would make nuclear cooperation with India impossible, no matter how difficult or how hard we tried and so I, too, oppose this amendment.

Is there further discussion?

[No response.]

Chairman HYDE. If not, the question occurs—

Mr. SHERMAN. Is the gentlewoman from California seeking time?

Chairman HYDE. Ms. Napolitano?

Ms. NAPOLITANO. Thank you, Mr. Chairman.

While I certainly do not question a lot of what has been said because I do not have any information other than what I read here, I still feel that we need to be able to be a little more proactive in being able to identify how it is going to be used and that we do not allow other countries to move forward in more nuclear proliferation that will start wars in other areas.

I would like to yield to Mr. Sherman the rest of my time.

Mr. SHERMAN. I thank the gentlelady from California.

I do want to respond to the practicality argument. First, it is a matter of public record how much uranium India is mining. Second, India could provide us with information as to how much they are mining and how much they are using for purposes other than their civilian sector, their electric generation sector.

As a matter of fact, how much they mine is already public record and a portion of it is supposed to be used in the two-thirds of the plants that were going to be entirely transparent, so if we can subtract one public number from another public number, we know exactly how much uranium India is using for purposes other than electric generation at its open and transparent plants.

Finally, if we do not have any information and India will not give us any information, then there is no way this deal can go forward

without violating article 1 of the Non-Proliferation Treaty which requires us not to take action that assists India in building additional nuclear weapons.

So this amendment can be carried out practically and offers us a chance to do two things: Help India go forward with its civilian electric generation facilities using nuclear power and, at the same time, be able to tell our children and our constituents that we have not assisted India in building more nuclear weapons than they would have otherwise and that we have not made a mockery of article 1 of the Non-Proliferation Treaty.

With that, I yield back to the gentlelady of California.

Chairman HYDE. The question occurs on the amendment.

Mr. ACKERMAN. Mr. Chairman?

Chairman HYDE. Mr. Ackerman?

Mr. ACKERMAN. Thank you, Mr. Chairman.

I would just like to take issue with the premise that is being argued here. First, we do not know, despite the assertions, how much fissile material, uranium, the Indians are producing. The public record indicates a range and the upper limit double that of the lower limit, so even if they doubled what we thought it was, we have no idea.

If you do not know the number, how can the President certify—although the President does seem to certify things that some of us have issue with—but how could he certify a number or a percentage of a bottom line figure that is completely unknown except for a very, very wide range?

The second premise that I would like to take issue with is that India does not have access to its own supply of uranium. That is not true. What they do have is some technical problems because of the difficulty of mining some of it and that is basically an issue that is being addressed and that is a cost problem that, if need be, they will address.

What we are concerned about stopping here we are not stopping. India is going a long way. The real concern, I think, is if you think that Prime Minister Singh represents the people of North Korea and he is going to rip off his Gandhi mask and suddenly reveal that he is really Kim Jong Il, then there is cause to be concerned. But what we are dealing with is a historic, long-term, demonstrable ally of the United States that has experienced terrorism in and of itself, knows the dangers therein, is cooperating with us here in a deal in which they are moving as close to the NPT as any other country could ever be expected to and that is good behavior. Good behavior is something that we have to acknowledge and recognize in the real world. It is very different behavior than other countries have and they should learn the lesson from India and we have to teach that lesson by showing that good behavior does get rewarded.

Chairman HYDE. The question occurs on the amendment offered by Mr. Sherman.

All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[Chorus of nays.]

Mr. LANTOS. Request to record that vote, Mr. Chairman.

Chairman HYDE. A recorded vote is requested.
 The clerk will call the roll.
 Ms. RUSH. Mr. Leach?
 Mr. LEACH. Aye.
 Ms. RUSH. Mr. Leach votes yes.
 Mr. Smith of New Jersey?
 Mr. SMITH OF NEW JERSEY. Yes.
 Ms. RUSH. Mr. Smith of New Jersey votes yes.
 Mr. Burton?
 [No response.]
 Ms. RUSH. Mr. Gallegly?
 Mr. GALLEGLY. No.
 Ms. RUSH. Mr. Gallegly votes no.
 Ms. Ros-Lehtinen?
 Ms. ROS-LEHTINEN. No.
 Ms. RUSH. Ms. Ros-Lehtinen votes no.
 Mr. Rohrabacher?
 Mr. ROHRABACHER. No.
 Ms. RUSH. Mr. Rohrabacher votes no.
 Mr. Royce?
 Mr. ROYCE. No.
 Ms. RUSH. Mr. Royce votes no.
 Mr. King?
 Mr. KING. No.
 Ms. RUSH. Mr. King votes no.
 Mr. Chabot?
 Mr. CHABOT. No.
 Ms. RUSH. Mr. Chabot votes no.
 Mr. Tancredo?
 Mr. TANCREDO. No.
 Ms. RUSH. Mr. Tancredo votes no.
 Mr. Paul?
 [No response.]
 Ms. RUSH. Mr. Issa?
 Mr. ISSA. No.
 Ms. RUSH. Mr. Issa votes no.
 Mr. Flake?
 Mr. FLAKE. No.
 Ms. RUSH. Mr. Flake votes no.
 Ms. Davis?
 [No response.]
 Ms. RUSH. Mr. Green?
 Mr. GREEN. No.
 Ms. RUSH. Mr. Green votes no.
 Mr. Weller?
 Mr. WELLER. No.
 Ms. RUSH. Mr. Weller votes no.
 Mr. Pence?
 Mr. PENCE. No.
 Ms. RUSH. Mr. Pence votes no.
 Mr. McCotter?
 Mr. MCCOTTER. No.
 Ms. RUSH. Mr. McCotter votes no.
 Ms. Harris?

Ms. HARRIS. No.
 Ms. RUSH. Ms. Harris votes no.
 Mr. Wilson?
 Mr. WILSON. No.
 Ms. RUSH. Mr. Wilson votes no.
 Mr. Boozman?
 [No response.]
 Ms. RUSH. Mr. Barrett?
 Mr. BARRETT. No.
 Ms. RUSH. Mr. Barrett votes no.
 Mr. Mack?
 [No response.]
 Ms. RUSH. Mr. Fortenberry?
 Mr. FORTENBERRY. Yes.
 Ms. RUSH. Mr. Fortenberry votes yes.
 Mr. McCaul?
 Mr. McCAUL. No.
 Ms. RUSH. Mr. McCaul votes no.
 Mr. Poe?
 Mr. POE. No.
 Ms. RUSH. Mr. Poe votes no.
 Mr. Lantos?
 Mr. LANTOS. No.
 Ms. RUSH. Mr. Lantos votes no.
 Mr. Berman?
 Mr. BERMAN. Aye.
 Ms. RUSH. Mr. Berman votes yes.
 Mr. Ackerman?
 Mr. ACKERMAN. No.
 Ms. RUSH. Mr. Ackerman votes no.
 Mr. Faleomavaega?
 Mr. FALEOMAVAEGA. No.
 Ms. RUSH. Mr. Faleomavaega votes no.
 Mr. Payne?
 [No response.]
 Ms. RUSH. Mr. Brown?
 [No response.]
 Ms. RUSH. Mr. Sherman?
 Mr. SHERMAN. Yes.
 Ms. RUSH. Mr. Sherman votes yes.
 Mr. Wexler?
 [No response.]
 Ms. RUSH. Mr. Engel?
 Mr. ENGEL. No.
 Ms. RUSH. Mr. Engel votes no.
 Mr. Delahunt?
 [No response.]
 Ms. RUSH. Mr. Meeks?
 Mr. MEEKS. No.
 Ms. RUSH. Mr. Meeks votes no.
 Ms. Lee?
 Ms. LEE. Yes.
 Ms. RUSH. Ms. Lee votes yes.
 Mr. Crowley?

Mr. CROWLEY. No.
 Ms. RUSH. Mr. Crowley votes no.
 Mr. Blumenauer?
 [No response.]
 Ms. RUSH. Ms. Berkley?
 Ms. BERKLEY. No.
 Ms. RUSH. Ms. Berkley votes no.
 Ms. Napolitano?
 Ms. NAPOLITANO. Yes.
 Ms. RUSH. Ms. Napolitano votes yes.
 Mr. Schiff?
 Mr. SCHIFF. Yes.
 Ms. RUSH. Mr. Schiff votes yes.
 Ms. Watson?
 Ms. WATSON. Aye.
 Ms. RUSH. Ms. Watson votes yes.
 Mr. Smith of Washington?
 Mr. SMITH OF WASHINGTON. No.
 Ms. RUSH. Mr. Smith of Washington votes no.
 Ms. McCollum?
 Ms. MCCOLLUM. Aye.
 Ms. RUSH. Ms. McCollum votes yes.
 Mr. Chandler?
 Mr. CHANDLER. No.
 Ms. RUSH. Mr. Chandler votes no.
 Mr. Cardoza?
 Mr. CARDOZA. No.
 Ms. RUSH. Mr. Cardoza votes no.
 Mr. Carnahan?
 Mr. CARNAHAN. No.
 Ms. RUSH. Mr. Carnahan votes no.
 Chairman Hyde?
 Chairman HYDE. No.
 Ms. RUSH. Chairman Hyde votes no.
 Mr. BURTON. Mr. Chairman? This is Mr. Burton. I vote no.
 Ms. RUSH. Mr. Burton votes no.
 Mr. Paul?
 Mr. PAUL. No.
 Ms. RUSH. Mr. Paul votes no.
 On this vote, there are 10 ayes and 32 noes.
 Chairman HYDE. The amendment is not agreed to.
 We now go to Sherman number 3.
 The clerk will report.
 Mr. SHERMAN. Mr. Chairman, I would prefer not to offer that amendment at this time. I know Mr. Schiff has an amendment dealing with the same subject that is wonderfully crafted, and while I might want to introduce other amendments later, I think the Committee has heard this voice long enough.
 Chairman HYDE. Very well. We go to Ms. Lee of California.
 Ms. LEE. Thank you, Mr. Chairman. I have an amendment at the desk.
 Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Ms. Lee of California. In section 4(b), add at the end the following new paragraph: (8) India has signed the NPT.

[The amendment of Ms. Lee follows:]

AMENDMENT TO H.R. 5682

OFFERED BY MS. LEE OF CALIFORNIA

In section 4(b), add at the end the following new paragraph:

1 (8) India has signed the NPT.

Chairman HYDE. The gentlelady is recognized for 5 minutes.

Ms. LEE. Thank you, Mr. Chairman.

Like many of my colleagues, I strongly believe that it is very important to strengthen our ties with India. I had the privilege to visit India with my colleague Mr. Crowley a couple of years ago and witnessed firsthand the vibrancy of the economy, quite frankly the brilliance and the spirit and the commitment to democracy of the Indian people.

The July 2005 joint statement and agreement between President Bush and Prime Minister Singh represents a significant effort to advance the relationship between our two great nations.

Now, unlike the majority of this Committee, I believe that any cooperative agreement must not sacrifice decades of nuclear nonproliferation work by the United States and nonproliferation efforts around the world.

Frankly, what we do here today will have broad ranging implications on our efforts to hold Iran and North Korea to international standards and I must disagree with the majority of Members on the Committee that we should have different standards for different countries when it comes to nuclear nonproliferation. We should try to rid the world of nuclear weapons and I must respectfully disagree with my colleague Mr. Faleomavaega, not just because there are two wrongs or five wrongs, that does not make a right, and so I think that we are going down the wrong path with this.

My amendment is very simple. It would add an eighth item to the list of determinations that the President would make in order to allow this agreement to go through. This determination is that India has signed the Non-Proliferation Treaty.

Mr. Chairman, we have all heard that the Administration and this Committee continue to tout the benefits of civil nuclear cooperation. As the President said in his radio address in March 2006, this agreement is good because it will bring India's civilian

nuclear program into the international nonproliferation mainstream. But I ask you, what is more mainstream than having India as a signatory to the Non-Proliferation Treaty?

Requiring India to co-sign the treaty would be the most meaningful bargain in this agreement.

Some may question whether it is realistic for us to press India to join the NPT, given that it already has nuclear weapons, but I would turn that around, Mr. Chairman, and question what incentive does India now have or would have to join in, as the President has put it, the nonproliferation mainstream when it can secure valuable agreements like the one we are currently debating when it is outside of the mainstream?

The fact is if India were a signatory to the NPT, we would not have to worry about devising creative workarounds and exemptions from law. We would simply be working through established channels as prescribed by the Atomic Energy Act.

Now, this Saturday, July 1st, marks the 38th anniversary of the NPT and I think we should make sure that our actions today are worthy of this milestone.

I worry that this is the beginning of an arms race and in no way should we ever allow—ever allow any nuclear deal outside of the Non-Proliferation Treaty. That is, of course, if we are serious about arms control. The world is really way too dangerous for us to go down this path and I think it is a dangerous precedent for us to set here today, Mr. Chairman, and I urge support for this amendment which is very basic, very simple, and that is that we should add compliance with the NPT as a requirement for this deal to pass.

Thank you and I yield the balance of my time.

Chairman HYDE. Thank you, Ms. Lee.

Who wishes to be heard?

Mr. Crowley?

Mr. CROWLEY. Mr. Chairman, thank you for yielding.

I thank the gentlelady for the spirit in which she offers this amendment, but I do believe this amendment will be characterized as a deal breaker in the sense that it is a non-starter for the Indians. The Indians cannot sign the NPT. They detonated a device back in 1974, I believe, and once they did that they continued to develop nuclear weapons whether we liked it or not which further prohibited their ability to sign the NPT.

It is not, as you said yourself, realistic that India will now, surrounded by Pakistan, China, and other signatories to the NPT, some of whom have proliferated since their signing of that document, developing nuclear weapons and then proliferating those weapons as well, that it is not realistic to expect that India will sign the NPT, although we all wish that initially she had.

This is, again, I think, too much emphasis on the issue of nuclear weapons as opposed to what this is really about, in my opinion, nuclear power.

Secretary Rice was before us not that long ago and a colleague from the other side of the aisle asked whether or not the negotiators had asked the India negotiators about their nuclear arms strategy, whether or not they had one. The response was, yes, they did, and they asked them to disclose that strategy and the answer

from Secretary Rice was apparently that they had asked that. I found that profound, that a country like India, a proud country as well who has a nuclear arms strategy, finds herself in a very difficult portion of the world, as Mr. Ackerman and others have mentioned before.

My question then to Secretary Rice was does the United States, does Russia, does China, does Great Britain, does France have a nuclear arms strategy? Her response was yes.

Do we ask them what their strategy is? The answer is no. And if we did, would we expect an answer? The answer was no.

So to hold India to a different standard than we do any other nation in the world I think is also unrealistic.

Again, I do respect the gentlelady incredibly and I understand where she is coming from on this, but I would also respectfully suggest that this amendment is not acceptable in terms of my position in terms of wanting to see this legislation pass and see the deal go through and for that I will oppose this amendment.

Chairman HYDE. The question occurs on the Lee amendment.

All those in favor, say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[Chorus of nays.]

Chairman HYDE. The noes have it.

Ms. LEE. Mr. Chairman, may I ask a rollcall vote, please?

Chairman HYDE. You certainly may.

Ms. LEE. Thank you.

Chairman HYDE. The gentlelady will get a rollcall.

Ms. RUSH. Mr. Leach?

Mr. LEACH. Aye.

Ms. RUSH. Mr. Leach votes yes.

Mr. Smith of New Jersey?

Mr. SMITH OF NEW JERSEY. Yes.

Ms. RUSH. Mr. Smith of New Jersey votes yes.

Mr. Burton?

Mr. BURTON. No.

Ms. RUSH. Mr. Burton votes no.

Mr. Gallegly?

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.

Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Ms. Ros-Lehtinen votes no.

Mr. Rohrabacher?

Mr. ROHRABACHER. No.

Ms. RUSH. Mr. Rohrabacher votes no.

Mr. Royce?

[No response.]

Ms. RUSH. Mr. King?

Mr. KING. No.

Ms. RUSH. Mr. King votes no.

Mr. Chabot?

Mr. CHABOT. No.

Ms. RUSH. Mr. Chabot votes no.

Mr. Tancredo?

Mr. Tancredo. No.
 Ms. RUSH. Mr. Tancredo votes no.
 Mr. Paul?
 Mr. PAUL. No.
 Ms. RUSH. Mr. Paul votes no.
 Mr. Issa?
 [No response.]
 Ms. RUSH. Mr. Flake?
 Mr. FLAKE. No.
 Ms. RUSH. Mr. Flake votes no.
 Ms. Davis?
 [No response.]
 Ms. RUSH. Mr. Green?
 Mr. GREEN. No.
 Ms. RUSH. Mr. Green votes no.
 Mr. Weller?
 Mr. WELLER. No.
 Ms. RUSH. Mr. Weller votes no.
 Mr. Pence?
 Mr. PENCE. No.
 Ms. RUSH. Mr. Pence votes no.
 Mr. McCotter?
 Mr. McCOTTER. No.
 Ms. RUSH. Mr. McCotter votes no.
 Ms. Harris?
 Ms. HARRIS. No.
 Ms. RUSH. Ms. Harris votes no.
 Mr. Wilson?
 Mr. WILSON. No.
 Ms. RUSH. Mr. Wilson votes no.
 Mr. Boozman?
 [No response.]
 Ms. RUSH. Mr. Barrett?
 Mr. BARRETT. No.
 Ms. RUSH. Mr. Barrett votes no.
 Mr. Mack?
 [No response.]
 Ms. RUSH. Mr. Fortenberry?
 Mr. FORTENBERRY. No.
 Ms. RUSH. Mr. Fortenberry votes no.
 Mr. McCaul?
 Mr. MCCAUL. No.
 Ms. RUSH. Mr. McCaul votes no.
 Mr. Poe?
 [No response.]
 Ms. RUSH. Mr. Lantos?
 Mr. LANTOS. No.
 Ms. RUSH. Mr. Lantos votes no.
 Mr. Berman?
 Mr. BERMAN. No.
 Ms. RUSH. Mr. Berman votes no.
 Mr. Ackerman?
 Mr. ACKERMAN. No.
 Ms. RUSH. Mr. Ackerman votes no.

Mr. Faleomavaega?
 Mr. FALEOMAVAEGA. No.
 Ms. RUSH. Mr. Faleomavaega votes no.
 Mr. Payne?
 [No response.]
 Ms. RUSH. Mr. Brown?
 [No response.]
 Ms. RUSH. Mr. Sherman?
 Mr. SHERMAN. No.
 Ms. RUSH. Mr. Sherman votes no.
 Mr. Wexler?
 [No response.]
 Ms. RUSH. Mr. Engel?
 Mr. ENGEL. No.
 Ms. RUSH. Mr. Engel votes no.
 Mr. Delahunt?
 [No response.]
 Ms. RUSH. Mr. Meeks?
 Mr. MEEKS. No.
 Ms. RUSH. Mr. Meeks votes no.
 Ms. Lee?
 Ms. LEE. Yes.
 Ms. RUSH. Ms. Lee votes yes.
 Mr. Crowley?
 Mr. CROWLEY. No.
 Ms. RUSH. Mr. Crowley votes no.
 Mr. Blumenauer?
 [No response.]
 Ms. RUSH. Ms. Berkley?
 Ms. BERKLEY. No.
 Ms. RUSH. Ms. Berkley votes no.
 Ms. Napolitano?
 Ms. NAPOLITANO. No.
 Ms. RUSH. Ms. Napolitano votes no.
 Mr. Schiff?
 Mr. SCHIFF. No.
 Ms. RUSH. Mr. Schiff votes no.
 Ms. Watson?
 Ms. WATSON. Aye.
 Ms. RUSH. Ms. Watson votes yes.
 Mr. Smith of Washington?
 Mr. SMITH OF WASHINGTON. No.
 Ms. RUSH. Mr. Smith of Washington votes no.
 Ms. McCollum?
 Ms. MCCOLLUM. No.
 Ms. RUSH. Ms. McCollum votes no.
 Mr. Chandler?
 Mr. CHANDLER. No.
 Ms. RUSH. Mr. Chandler votes no.
 Mr. Cardoza?
 Mr. CARDOZA. No.
 Ms. RUSH. Mr. Cardoza votes no.
 Mr. Carnahan?
 Mr. CARNAHAN. No.

Ms. RUSH. Mr. Carnahan votes no.

Chairman Hyde?

Chairman HYDE. No.

Ms. RUSH. Chairman Hyde votes no.

Chairman HYDE. The clerk will report.

Ms. RUSH. Mr. Royce?

Mr. ROYCE. No.

Ms. RUSH. Mr. Royce votes no.

On this vote, there are four ayes and 36 noes.

Chairman HYDE. The amendment is not agreed to.

The Chair recognizes Ms. Berkley.

Ms. BERKLEY. Thank you, Mr. Chairman, and thank you Ranking Member Lantos, for holding this hearing, for what is, in my opinion, a very historic piece of legislation.

Mr. Chairman, I have two amendments at the desk numbered 48 and 47. I would like to have the Committee consider 48 first.

Chairman HYDE. The clerk will report.

Ms. RUSH. Amendment offered by Ms. Berkley of Nevada. In section 4(o), add at the end the following new paragraph: (3)——

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

[The amendment of Ms. Berkley follows:]

AMENDMENT TO H.R. ____
OFFERED BY MS. BERKLEY OF NEVADA

In section 4(o), add at the end the following new paragraph:

1 (3) DISPOSAL OF SPENT NUCLEAR FUEL.—Not
 2 later than one year after the date on which an
 3 agreement for nuclear cooperation between the
 4 United States and India is approved by Congress
 5 under section 4(f) and every year thereafter, the
 6 President shall submit to the Committee on Inter-
 7 national Relations of the House of Representatives
 8 and the Committee on Foreign Relations of the Sen-
 9 ate a report describing the ~~expended~~ disposal of
 10 spent nuclear fuel from India's civilian nuclear pro-
 11 gram.

Chairman HYDE. The gentlelady is recognized for 5 minutes in support of her amendment.

Ms. BERKLEY. Thank you, Mr. Chairman.

My first amendment adds a reporting requirement to the bill. After passage of this agreement, the President would be required to issue an annual report to Congress describing the disposal of spent nuclear fuel from India's civilian nuclear program. If India is generating massive amounts of nuclear waste, we should know where it is going, how it is being transported and how it is being stored.

Chairman HYDE. Mr. Lantos?

Mr. LANTOS. Mr. Chairman, I think this is a very constructive amendment. I strongly support it and urge all of my colleagues to do so.

Chairman HYDE. Is there further discussion?

[No response.]

Chairman HYDE. If not, the question occurs on the amendment offered by Ms. Berkley.

All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it and the amendment is agreed to.

Ms. Berkley has a second amendment

Ms. BERKLEY. Thank you, Mr. Chairman.

My second amendment would prohibit spent nuclear fuel from India from being permanently stored in the United States.

Chairman HYDE. The clerk will designate the amendment.

Ms. RUSH. Amendment offered by Ms. Berkley of Nevada. In section 4(d), add at the end the following new paragraph—

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

[The amendment of Ms. Berkley follows:]

AMENDMENT TO H.R. _____

OFFERED BY MS. BERKLEY OF NEVADA

In section 4(d), add at the end the following new paragraph:

- 1 (4) PROHIBITION ON SPENT NUCLEAR FUEL.—
- 2 Notwithstanding the entry into force of an agree-
- 3 ment for nuclear cooperation with India (arranged
- 4 pursuant to section 123 of the Atomic Energy Act
- 5 of 1954 (42 U.S.C. 2153)), spent nuclear fuel from
- 6 India (~~for permanent storage in the United States~~) may not be ~~permanently~~
- 7 ~~permanently~~ stored in the United States.

Chairman HYDE. The gentlewoman is recognized for 5 minutes in support of her amendment.

Ms. BERKLEY. Thank you, Mr. Chairman.

I wholeheartedly support this agreement with India, too, because it is in India's best interests, but because I believe it is in America's national security interests that we pass this legislation.

However, I have serious concerns regarding the disposition of waste from a new generation of nuclear reactors. Nuclear waste is radioactive and deadly for hundreds of thousands of years. This is a major problem that we face domestically. Despite two decades of

research and billions of dollars, we still have not figured out what to do with our domestic nuclear waste.

I can assure you Yucca Mountain is not the answer and that the people of the State of Nevada do not wish to be this nation's nuclear garbage dump.

Before we enter into any agreement to support an increase in nuclear power, I would like to know where the waste that is generated is going to be stored. I also want to make sure that it does not come to the United States for permanent storage.

If India or any other nation wishes to supplement its energy supply with nuclear power, I have no objections with that. I do, however, believe if a nation is satisfying its energy needs with nuclear power it ought to be responsible for the disposal of the radioactive nuclear waste that is produced.

I have serious concerns with the President's offer to help other nations build nuclear reactors at the same time he is proposing to expand the capacity of Yucca Mountain, Nevada by almost 100 percent. Just as Nevadans do not wish to be this nation's nuclear waste garbage dump the United States of America should not become the world's nuclear waste garbage pail.

I do not think any of us want to explain why as our domestic nuclear waste is piling up all over the country, where licensing of Yucca Mountain is at least 10 years behind schedule, where no canister currently exists that will not corrode and is incapable of storing nuclear waste for any amount of time, where there are no EPA radiation standards that currently exist and no terrorist threat assessment that has been made to the best of my knowledge when it comes to the transportation why we would be accepting other nations' nuclear waste with no place to bury it.

Chairman HYDE. Would the gentlelady yield?

Ms. BERKLEY. Absolutely, Mr. Chairman.

Chairman HYDE. We have a vote on, a series of votes. There will be three votes. The Chair would like to recess until 2:00, when we will pick up on the Berkley amendment and another amendments that are yet to be dealt with.

Ms. BERKLEY. Thank you, Mr. Chairman.

Chairman HYDE. We will be back at 2 o'clock.

[Recess.]

Chairman HYDE. The Committee will come to order.

When the Committee recessed, we were reading the bill H.R. 5682 for amendment. The Berkley amendment was the pending business.

Does anyone seek recognition on the Berkley amendment?

Ms. Berkley, you are still moving forward?

Ms. BERKLEY. I am still moving forward, Mr. Chairman.

Chairman HYDE. Always forward.

Ms. BERKLEY. Always forward.

Chairman HYDE. And upward, too.

Ms. BERKLEY. May I have a moment to complete my thoughts?

Chairman HYDE. You may have 5 minutes.

Ms. BERKLEY. That is very gracious of you.

I am not going to reiterate what I said earlier before we broke because everybody that will be voting on this measure was here to hear it, but I would like to conclude my remarks by saying that

there has to be a limit to this nation's generosity. My particular limit is storing another country's nuclear waste.

Let me be very clear about this. Nuclear waste reaches its peak radiation levels after 300,000 years within our own borders.

To my colleagues, I ask them, since Yucca Mountain is so far away from completion and, in my opinion, will never be certified and licensed to accept domestic nuclear waste and there is no other repository that is on the horizon, would any one of my colleagues be willing to store India's or any other nation's nuclear waste within their borders, within their congressional district, within miles of their constituents, where their children go to school, where they go to hospitals, where they are on the roads and the highways and the freeways of their particular congressional district?

If you cannot answer that question honestly with a yes, you would be willing to accept that nuclear waste, then I suggest that you support this amendment.

With that, I reserve the balance of my time, Mr. Chairman.

Chairman HYDE. Very well.

Does anybody seek recognition?

[No response.]

Chairman HYDE. I will recognize myself to strike the last words and suggest that the gentlelady's amendment is not acceptable because it adds a requirement that has not been part of any agreement between the United States and India and this same subject is covered by the safeguards agreement that India will negotiate with the International Atomic Agency.

This could force India to reprocess our fuel to which we have not yet agreed and may not agree and we have no plans to import any nuclear products and there has to be some flexibility in these arrangements.

With knowledge that the gentlelady has another amendment on the heels of this one that is more acceptable, I would oppose this amendment.

The question is on the——

Ms. BERKLEY. Do I get to reclaim a bit of my time? I think I reserved the balance of my time.

Chairman HYDE. I never deny the gentlelady time.

Ms. BERKLEY. Mr. Chairman, perhaps I did not understand the procedure but I did not realize that what we are doing now is the final version of this bill and I would hate to think that there are no other corrections to be made to make it an even more perfect bill.

I am not opposed to reprocessing nuclear fuel. What I am opposed to is having nuclear waste that is produced by the creation of nuclear energy from being shipped from India back to the United States for burial here in this country. As long as India has no plans to do that, why do we not put that in law and make it a permanent decision?

Chairman HYDE. Every country in the world—why just pick on India?

Ms. BERKLEY. If I may reclaim my time, because that is the country that we are discussing now. But I quite agree with you. I do not think this nation should accept any other country's nuclear waste. We are having a big enough challenge trying to figure out

what we are going to do with the nuclear waste that is generated here domestically.

Chairman HYDE. All right. Does anybody else wish to be heard? Is the gentlelady prepared to yield back?

Ms. BERKLEY. I am prepared to yield back. Thank you.

Chairman HYDE. All right. The question occurs on the Berkley amendment.

All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, no?

[Chorus of noes.]

Ms. BERKLEY. On that, Mr. Chairman, I ask for the yeas.

Chairman HYDE. You cannot stand prosperity.

The clerk will call the roll.

Ms. BERKLEY. All politics is local, Mr. Chairman.

Ms. RUSH. Mr. Leach?

[No response.]

Ms. RUSH. Mr. Smith of New Jersey?

[No response.]

Ms. RUSH. Mr. Burton?

[No response.]

Ms. RUSH. Mr. Gallegly?

Mr. GALLEGLY. No.

Ms. RUSH. Mr. Gallegly votes no.

Ms. ROS-LEHTINEN?

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Ms. Ros-Lehtinen votes no.

Mr. Rohrabacher?

Mr. ROHRABACHER. No.

Ms. RUSH. Mr. Rohrabacher votes no.

Mr. Royce?

[No response.]

Ms. RUSH. Mr. King?

[No response.]

Ms. RUSH. Mr. Chabot?

[No response.]

Ms. RUSH. Mr. Tancred?

Mr. Tancred. No.

Ms. RUSH. Mr. Tancred votes no.

Mr. Paul?

[No response.]

Ms. RUSH. Mr. Issa?

[No response.]

Ms. RUSH. Mr. Flake?

Mr. FLAKE. No.

Ms. RUSH. Mr. Flake votes no.

Ms. Davis?

[No response.]

Ms. RUSH. Mr. Green?

Mr. GREEN. No.

Ms. RUSH. Mr. Green votes no.

Mr. Weller?

Mr. WELLER. No.

Ms. RUSH. Mr. Weller votes no.

Mr. Pence?
 Mr. PENCE. No.
 Ms. RUSH. Mr. Pence votes no.
 Mr. McCotter?
 Mr. McCOTTER. Yes.
 Ms. RUSH. Mr. McCotter votes yes.
 Ms. Harris?
 Ms. HARRIS. No.
 Ms. RUSH. Ms. Harris votes no.
 Mr. Wilson?
 Mr. WILSON. No.
 Ms. RUSH. Mr. Wilson votes no.
 Mr. Boozman?
 Mr. BOOZMAN. No.
 Ms. RUSH. Mr. Boozman votes no.
 Mr. Barrett?
 Mr. BARRETT. No.
 Ms. RUSH. Mr. Barrett votes no.
 Mr. Mack?
 [No response.]
 Ms. RUSH. Mr. Fortenberry?
 Mr. FORTENBERRY. No.
 Ms. RUSH. Mr. Fortenberry votes no.
 Mr. McCaul?
 Mr. MCCAUL. No.
 Ms. RUSH. Mr. McCaul votes no.
 Mr. Poe?
 Mr. POE. No.
 Ms. RUSH. Mr. Poe votes no.
 Mr. Lantos?
 Mr. LANTOS. No.
 Ms. RUSH. Mr. Lantos votes no.
 Mr. Berman?
 [No response.]
 Ms. RUSH. Mr. Ackerman?
 Mr. ACKERMAN. Aye.
 Ms. RUSH. Mr. Ackerman votes yes.
 Mr. Faleomavaega?
 Mr. FALEOMAVAEGA. Unfortunately, no.
 Ms. RUSH. Mr. Faleomavaega votes no.
 Mr. Payne?
 [No response.]
 Ms. RUSH. Mr. Brown?
 [No response.]
 Ms. RUSH. Mr. Sherman?
 Mr. SHERMAN. Yes.
 Ms. RUSH. Mr. Sherman votes yes.
 Mr. Wexler?
 Mr. WEXLER. Yes.
 Ms. RUSH. Mr. Wexler votes yes.
 Mr. Engel?
 [No response.]
 Ms. RUSH. Mr. Delahunt?
 Mr. DELAHUNT. Yes.

Ms. RUSH. Mr. Delahunt votes yes.
 Mr. Meeks?
 Mr. MEEKS. Yes.
 Ms. RUSH. Mr. Meeks votes yes.
 Ms. Lee?
 Ms. LEE. Yes.
 Ms. RUSH. Ms. Lee votes yes.
 Mr. Crowley?
 [No response.]
 Ms. RUSH. Mr. Blumenauer?
 [No response.]
 Ms. RUSH. Ms. Berkley?
 Ms. BERKLEY. Yes.
 Ms. RUSH. Ms. Berkley votes yes.
 Ms. Napolitano?
 [No response.]
 Ms. RUSH. Mr. Schiff?
 Mr. SCHIFF. Yes.
 Ms. RUSH. Mr. Schiff votes yes.
 Ms. Watson?
 Ms. WATSON. Aye.
 Ms. RUSH. Ms. Watson votes yes.
 Mr. Smith of Washington?
 [No response.]
 Ms. RUSH. Ms. McCollum?
 Ms. MCCOLLUM. Aye.
 Ms. RUSH. Ms. McCollum votes yes.
 Mr. Chandler?
 Mr. CHANDLER. Yes.
 Ms. RUSH. Mr. Chandler votes yes.
 Mr. Cardoza?
 Mr. CARDOZA. Yes.
 Ms. RUSH. Mr. Cardoza votes yes.
 Mr. Carnahan?
 Mr. CARNAHAN. Pass.
 Ms. RUSH. Mr. Carnahan passes.
 Mr. Carnahan?
 Mr. CARNAHAN. Yes.
 Ms. RUSH. Mr. Carnahan votes yes.
 Chairman Hyde?
 Chairman HYDE. No.
 Ms. RUSH. Chairman Hyde votes no.
 Mr. Crowley?
 Mr. CROWLEY. Aye.
 Ms. RUSH. Mr. Crowley votes yes.
 Chairman HYDE. Mr. Leach?
 Mr. LEACH. Aye.
 Ms. RUSH. Mr. Leach votes yes.
 Chairman HYDE. Mr. Royce?
 Mr. ROYCE. No.
 Ms. RUSH. Mr. Royce votes no.
 Chairman HYDE. The clerk will report.
 Mr. GALLEGLY. How am I recorded?
 Chairman HYDE. Mr. Gallegly inquires how he is recorded.

Ms. RUSH. Mr. Gallegly is recorded as voting no.

Chairman HYDE. The clerk will report.

Ms. RUSH. On this vote, there are 15 ayes and 19 noes.

Chairman HYDE. And the amendment is not agreed to.

Ms. BERKLEY. Mr. Chairman?

Chairman HYDE. Ms. Berkley has a third amendment.

Ms. BERKLEY. Having experienced bitter defeat with the previous amendment, I would like to introduce another amendment at this time.

Chairman HYDE. The clerk will report.

Ms. RUSH. Amendment offered by Ms. Berkley of Nevada. New section 3 (6), to ensure that—

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

[The amendment of Ms. Berkley follows:]

AMENDMENT TO H.R. ____

OFFERED BY MS. BERKLEY OF NEVADA

New Section 3 (6):

(6) To ensure that spent fuel generated in India's civilian nuclear power reactors is not transferred to the United States except pursuant to the Congressional review procedures required under section 131 (f) of the Atomic Energy Act.

Chairman HYDE. The gentlelady is recognized for 5 minutes in support of her amendment which we are prepared to accept.

Ms. BERKLEY. In that case, Mr. Chairman, I thank you for looking out for the interests of the people of the United States of America and the people of the State of Nevada.

Chairman HYDE. I thank you and the question occurs on the Berkley amendment.

All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to. Mr. Schiff?

Mr. SCHIFF. Thank you, Mr. Chairman.

I have a revised amendment at the desk.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Schiff of California. In section 3(b), add at the end the following new paragraph—

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

[The amendment of Mr. Schiff follows:]

AMENDMENT TO H.R. 5682
OFFERED BY MR. SCHIFF OF CALIFORNIA

In section 3(b), add at the end the following new paragraph:

- 1 (6) Pending implementation of a multilateral
2 moratorium, encourage India not to increase its pro-
3 duction of fissile material at unsafeguarded nuclear
4 facilities.

In section 4(c)(2), add at the end the following new subparagraph:

- 5 (I) A description of the steps taken to en-
6 sure that proposed United States civil nuclear
7 assistance to India will not directly, or in any
8 other way, assist India's nuclear weapons pro-
9 gram, including—
10 (i) the use of any United States
11 equipment, technology, or nuclear material
12 by India in an unsafeguarded nuclear facil-
13 ity or nuclear-weapons related complex;
14 (ii) the replication and subsequent use
15 of any United States technology in an
16 unsafeguarded nuclear facility or

1 unsafeguarded nuclear weapons-related
2 complex, or for any activity related to the
3 research, development, testing, or manu-
4 facture of nuclear explosive devices; and
5 (iii) the provision of nuclear fuel in
6 such a manner as to facilitate the in-
7 creased production of highly-enriched ura-
8 nium or plutonium in unsafeguarded nu-
9 clear facilities.

 In section 4(o)(2), add at the end the following new
subparagraph:

10 (C) UNSAFEGUARDED NUCLEAR FACILI-
11 TIES.—The report described in subparagraph
12 (A) shall also include (in a classified form if
13 necessary) a description of whether United
14 States civil nuclear assistance to India is di-
15 rectly, or in any other way, assisting India's nu-
16 clear weapons program, including—
17 (i) the use of any United States
18 equipment, technology, or nuclear material
19 by India in an unsafeguarded nuclear facil-
20 ity or nuclear-weapons related complex;
21 (ii) the replication and subsequent use
22 of any United States technology in an
23 unsafeguarded nuclear facility or

1 unsafeguarded nuclear weapons-related
2 complex, or for any activity related to the
3 research, development, testing, or manu-
4 facture of nuclear explosive devices; and
5 (iii) the provision of nuclear fuel in
6 such a manner as to facilitate the in-
7 creased production of highly-enriched ura-
8 nium or plutonium in unsafeguarded nu-
9 clear facilities.

Chairman HYDE. The gentleman is recognized for 5 minutes in support of his amendment and I would like to tell the gentleman that we are prepared to accept your amendment, so any brevity in support thereof would be most welcome.

Mr. SCHIFF. Mr. Chairman, thank you for your support and I will be brief. I just want to clarify a couple of things which I think are important.

This amendment attempts to flesh out some of the sentiments expressed by my colleagues Mr. Berman and Mr. Sherman and Mr. Royce and to give greater content than Mr. Royce's amendment perhaps or more specific content to what we want the Administration to do to ensure that while we are not trying to turn back India's program, we are also not trying to accelerate it by providing civilian cooperation. This amendment requires the Administration to report to us prior to our vote on the agreement a description of the steps that it has taken to make sure that our civilian nuclear assistance will not directly or indirectly assist India's nuclear weapons program and, in particular, we want to make sure that our equipment, technology and material is not used in the military complex, the unsafeguarded nuclear facilities. We want to make sure that our technology is not replicated and used on the military side by India. And, finally, we want to take steps as much as we can to ensure that the nuclear fuel that we provide is provided in such a manner that we are not facilitating increased production of highly enriched uranium or plutonium in these unsafeguarded nuclear facilities.

It also provides a reporting requirement after the agreement is entered into effect to make sure that we are following through on these steps to ensure that our civilian cooperation is not turning into military cooperation.

I thank the Chairman for his assistance and the Ranking Member for his support and yield back the balance of my time.

Chairman HYDE. We are prepared to accept the amendment and, unless there is important discussion, ready to intervene.

I do not see any, so the question occurs on the Schiff amendment. All those in favor say aye.

[Chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to. Are there any further amendments?

[No response.]

Chairman HYDE. The question occurs on the motion to report the bill favorably as amended.

Mr. FORTENBERRY. Mr. Chairman?

Chairman HYDE. Who is seeking recognition?

Mr. FORTENBERRY. Congressman Fortenberry.

Chairman HYDE. Yes?

Mr. FORTENBERRY. Mr. Chairman, in light of the fact that some of us on the front row here did not receive the Berkley amendment, the substitute amendment, I would like to move for reconsideration of that and ask for a recorded vote.

Chairman HYDE. Did you vote on the prevailing side?

Mr. FORTENBERRY. Yes.

Chairman HYDE. That is in order. All those in favor of reconsidering the vote——

Mr. ACKERMAN. Mr. Chairman, a point of information? Which Berkley amendment?

Mr. FORTENBERRY. The substitute amendment.

Chairman HYDE. The one we accepted?

Mr. FORTENBERRY. The one we accepted. I do not have the number. The last Berkley amendment.

Chairman HYDE. That is Berkley 3.

Have you read it? It is perfectly simple.

Ms. BERKLEY. I would object to that, Mr. Chairman. May I?

Chairman HYDE. Well, it is not unanimous consent. He has a right to move to reconsider if he voted on the prevailing side, but I am trying to see if we can avoid that.

Mr. ACKERMAN. Mr. Chairman, a point of information?

Chairman HYDE. Yes?

Mr. ACKERMAN. If a vote was taken by voice vote, either in the House or the Committee, it is impossible to tell if somebody voted on the prevailing side.

Chairman HYDE. Well, we operate on the honor system.

Mr. FORTENBERRY. Mr. Chairman, may I speak?

Chairman HYDE. Yes, Mr. Fortenberry.

Mr. FORTENBERRY. I simply would like a recorded vote on it.

Chairman HYDE. You would what?

Mr. FORTENBERRY. I am moving to reconsider so that we can have a recorded vote, since we now have the language.

Chairman HYDE. The clerk will call the roll.

Ms. BERKLEY. May I be heard on the motion to reconsider?

Is the gentleman aware that the Administration has provided the language for that?

Mr. FORTENBERRY. Yes.

Ms. BERKLEY. And has agreed to it, as has the Chairman of the Committee?

Mr. FORTENBERRY. I am. I would like my vote yes to be on record.

Chairman HYDE. Let us go through the rollcall. By the time we finish, we could be home in bed.

Go ahead and call the roll on Berkley 3.

Ms. RUSH. Mr. Leach?

Mr. LEACH. Yes.

Ms. RUSH. Mr. Leach votes yes.

Mr. Smith of New Jersey?

[No response.]

Ms. RUSH. Mr. Burton?

[No response.]

Ms. RUSH. Mr. Gallegly?

Mr. GALLEGLY. Yes.

Ms. RUSH. Mr. Gallegly votes yes.

Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Yes.

Ms. RUSH. Ms. Ros-Lehtinen votes yes.

Mr. Rohrabacher?

Mr. ROHRABACHER. Yes.

Ms. RUSH. Mr. Rohrabacher votes yes.

Mr. Royce?
 Mr. ROYCE. Yes.
 Ms. RUSH. Mr. Royce votes yes.
 Mr. King?
 [No response.]
 Ms. RUSH. Mr. Chabot?
 Mr. CHABOT. Yes.
 Ms. RUSH. Mr. Chabot votes yes.
 Mr. Tancredo?
 Mr. Tancredo. Yes.
 Ms. RUSH. Mr. Tancredo votes yes.
 Mr. Paul?
 [No response.]
 Ms. RUSH. Mr. Issa?
 [No response.]
 Ms. RUSH. Mr. Flake?
 Mr. FLAKE. Yes.
 Ms. RUSH. Mr. Flake votes yes.
 Ms. Davis?
 [No response.]
 Ms. RUSH. Mr. Green?
 Mr. GREEN. Yes.
 Ms. RUSH. Mr. Green votes yes.
 Mr. Weller?
 [No response.]
 Ms. RUSH. Mr. Pence?
 [No response.]
 Ms. RUSH. Mr. McCotter?
 Mr. McCOTTER. Yes.
 Ms. RUSH. Mr. McCotter votes yes.
 Ms. Harris?
 Ms. HARRIS. Yes.
 Ms. RUSH. Ms. Harris votes yes.
 Mr. Wilson?
 Mr. WILSON. Yes.
 Ms. RUSH. Mr. Wilson votes yes.
 Mr. Boozman?
 Mr. BOOZMAN. Yes.
 Ms. RUSH. Mr. Boozman votes yes.
 Mr. Barrett?
 Mr. BARRETT. Yes.
 Ms. RUSH. Mr. Barrett votes yes.
 Mr. Mack?
 [No response.]
 Ms. RUSH. Mr. Fortenberry?
 Mr. FORTENBERRY. Yes.
 Ms. RUSH. Mr. Fortenberry votes yes.
 Mr. McCaul?
 Mr. MCCAUL. Yes.
 Ms. RUSH. Mr. McCaul votes yes.
 Mr. Poe?
 Mr. POE. Yes.
 Ms. RUSH. Mr. Poe votes yes.
 Mr. Lantos?

Mr. LANTOS. Yes.
Ms. RUSH. Mr. Lantos votes yes.
Mr. Berman?
Mr. BERMAN. Yes.
Ms. RUSH. Mr. Berman votes yes.
Mr. Ackerman?
Mr. ACKERMAN. Yes.
Ms. RUSH. Mr. Ackerman votes yes.
Mr. Faleomavaega?
Mr. FALEOMAVAEGA. Yes.
Ms. RUSH. Mr. Faleomavaega votes yes.
Mr. Payne?
[No response.]
Ms. RUSH. Mr. Brown?
[No response.]
Ms. RUSH. Mr. Sherman?
Mr. SHERMAN. Yes.
Ms. RUSH. Mr. Sherman votes yes.
Mr. Wexler?
Mr. WEXLER. Yes.
Ms. RUSH. Mr. Wexler votes yes.
Mr. Engel?
[No response.]
Ms. RUSH. Mr. Delahunt?
[No response.]
Ms. RUSH. Mr. Meeks?
Mr. MEEKS. Yes.
Ms. RUSH. Mr. Meeks votes yes.
Ms. Lee?
Ms. LEE. Yes.
Ms. RUSH. Ms. Lee votes yes.
Mr. Crowley?
Mr. CROWLEY. Yes.
Ms. RUSH. Mr. Crowley votes yes.
Mr. Blumenauer?
[No response.]
Ms. RUSH. Ms. Berkley?
Ms. BERKLEY. Yes.
Ms. RUSH. Ms. Berkley votes yes.
Ms. Napolitano?
Ms. NAPOLITANO. Yes.
Ms. RUSH. Ms. Napolitano votes yes.
Mr. Schiff?
Mr. SCHIFF. Aye.
Ms. RUSH. Mr. Schiff votes yes.
Ms. Watson?
Ms. WATSON. Aye.
Ms. RUSH. Ms. Watson votes yes.
Mr. Smith of Washington?
Mr. SMITH OF WASHINGTON. Aye.
Ms. RUSH. Mr. Smith of Washington votes yes.
Ms. McCollum?
Ms. MCCOLLUM. Aye.
Ms. RUSH. Ms. McCollum votes yes.

Mr. Chandler?
 Mr. CHANDLER. Yes.
 Ms. RUSH. Mr. Chandler votes yes.
 Mr. Cardoza?
 Mr. CARDOZA. Yes.
 Ms. RUSH. Mr. Cardoza votes yes.
 Mr. Carnahan?
 Mr. CARNAHAN. Yes.
 Ms. RUSH. Mr. Carnahan votes yes.
 Chairman Hyde?
 Chairman HYDE. Yes.
 Ms. RUSH. Chairman Hyde votes yes.
 Chairman HYDE. Mr. Chris Smith?
 Mr. SMITH OF NEW JERSEY. Yes.
 Ms. RUSH. Mr. Smith of New Jersey votes yes.
 Chairman HYDE. Mr. Tancredo?
 Mr. Tancredo. Yes, I did vote.
 Chairman HYDE. You did vote?
 Mr. Pence?
 Mr. PENCE. Yes.
 Ms. RUSH. Mr. Pence votes yes.
 Chairman HYDE. Mr. Weller?
 Mr. WELLER. Yes.
 Ms. RUSH. Mr. Weller votes yes.
 Chairman HYDE. The clerk will report.
 Ms. RUSH. On this vote, there are 39 yeses and zero noes.
 Chairman HYDE. And the amendment is agreed to.
 Are there any further amendments?
 [No response.]
 Chairman HYDE. If not, the question occurs on the motion to report the bill favorably as amended.
 All in favor say aye.
 [Chorus of ayes.]
 Chairman HYDE. All opposed, no.
 Mr. LANTOS. Mr. Chairman, I request a recorded vote.
 Chairman HYDE. A recorded vote has been requested and the clerk will call the roll.
 Ms. RUSH. Mr. Leach?
 Mr. LEACH. No.
 Ms. RUSH. Mr. Leach votes no.
 Mr. Smith of New Jersey?
 Mr. SMITH OF NEW JERSEY. No.
 Ms. RUSH. Mr. Smith of New Jersey votes no.
 Mr. Burton?
 [No response.]
 Ms. RUSH. Mr. Gallegly?
 Mr. GALLEGLY. Aye.
 Ms. RUSH. Mr. Gallegly votes yes.
 Ms. Ros-Lehtinen?
 Ms. ROS-LEHTINEN. Yes.
 Ms. RUSH. Ms. Ros-Lehtinen votes yes.
 Mr. Rohrabacher?
 Mr. ROHRABACHER. Yes.
 Ms. RUSH. Mr. Rohrabacher votes yes.

Mr. Royce?
 Mr. ROYCE. Yes.
 Ms. RUSH. Mr. Royce votes yes.
 Mr. King?
 [No response.]
 Ms. RUSH. Mr. Chabot?
 Mr. CHABOT. Yes.
 Ms. RUSH. Mr. Chabot votes yes.
 Mr. Tancredo?
 Mr. TANCREDO. Yes.
 Ms. RUSH. Mr. Tancredo votes yes.
 Mr. Paul?
 [No response.]
 Ms. RUSH. Mr. Issa?
 [No response.]
 Ms. RUSH. Mr. Flake?
 Mr. FLAKE. Yes.
 Ms. RUSH. Mr. Flake votes yes.
 Ms. Davis?
 [No response.]
 Ms. RUSH. Mr. Green?
 Mr. GREEN. Yes.
 Ms. RUSH. Mr. Green votes yes.
 Mr. Weller?
 Mr. WELLER. Yes.
 Ms. RUSH. Mr. Weller votes yes.
 Mr. Pence?
 Mr. PENCE. Yes.
 Ms. RUSH. Mr. Pence votes yes.
 Mr. McCotter?
 Mr. MCCOTTER. Yes.
 Ms. RUSH. Mr. McCotter votes yes.
 Ms. Harris?
 Ms. HARRIS. Yes.
 Ms. RUSH. Ms. Harris votes yes.
 Mr. Wilson?
 Mr. WILSON. Yes.
 Ms. RUSH. Mr. Wilson votes yes.
 Mr. Boozman?
 Mr. BOOZMAN. Yes.
 Ms. RUSH. Mr. Boozman votes yes.
 Mr. Barrett?
 Mr. BARRETT. Yes.
 Ms. RUSH. Mr. Barrett votes yes.
 Mr. Mack?
 [No response.]
 Ms. RUSH. Mr. Fortenberry?
 Mr. FORTENBERRY. Yes.
 Ms. RUSH. Mr. Fortenberry votes yes.
 Mr. McCaul?
 Mr. McCaul. Yes.
 Ms. RUSH. Mr. McCaul votes yes.
 Mr. Poe?
 Mr. POE. No.

Ms. RUSH. Mr. Poe votes no.
 Mr. Lantos?
 Mr. LANTOS. Yes.
 Ms. RUSH. Mr. Lantos votes yes.
 Mr. Berman?
 Mr. BERMAN. Yes.
 Ms. RUSH. Mr. Berman votes yes.
 Mr. Ackerman?
 Mr. ACKERMAN. Yes.
 Ms. RUSH. Mr. Ackerman votes yes.
 Mr. Faleomavaega?
 Mr. FALEOMAVAEGA. Yes.
 Ms. RUSH. Mr. Faleomavaega votes yes.
 Mr. Payne?
 [No response.]
 Ms. RUSH. Mr. Brown?
 Mr. BROWN. Yes.
 Ms. RUSH. Mr. Brown votes yes.
 Mr. Sherman?
 Mr. SHERMAN. Yes.
 Ms. RUSH. Mr. Sherman votes yes.
 Mr. Wexler?
 Mr. WEXLER. Yes.
 Ms. RUSH. Mr. Wexler votes yes.
 Mr. Engel?
 [No response.]
 Ms. RUSH. Mr. Delahunt?
 [No response.]
 Ms. RUSH. Mr. Meeks?
 Mr. MEEKS. Yes.
 Ms. RUSH. Mr. Meeks votes yes.
 Ms. Lee?
 Ms. LEE. No.
 Ms. RUSH. Ms. Lee votes no.
 Mr. Crowley?
 Mr. CROWLEY. Yes.
 Ms. RUSH. Mr. Crowley votes yes.
 Mr. Blumenauer?
 [No response.]
 Ms. RUSH. Ms. Berkley?
 [No response.]
 Ms. RUSH. Ms. Napolitano?
 Ms. NAPOLITANO. Yes.
 Ms. RUSH. Ms. Napolitano votes yes.
 Mr. Schiff?
 Mr. SCHIFF. Aye.
 Ms. RUSH. Mr. Schiff votes yes.
 Ms. Watson?
 Ms. WATSON. No.
 Ms. RUSH. Ms. Watson votes no.
 Mr. Smith of Washington?
 Mr. SMITH OF WASHINGTON. Aye.
 Ms. RUSH. Mr. Smith of Washington votes yes.
 Ms. McCollum?

Ms. McCOLLUM. Aye.
 Ms. RUSH. Ms. McCollum votes yes.
 Mr. Chandler?
 Mr. CHANDLER. Yes.
 Ms. RUSH. Mr. Chandler votes yes.
 Mr. Cardoza?
 Mr. CARDOZA. Aye.
 Ms. RUSH. Mr. Cardoza votes yes.
 Mr. Carnahan?
 Mr. CARNAHAN. Yes.
 Ms. RUSH. Mr. Carnahan votes yes.
 Chairman Hyde?
 Chairman HYDE. Yes.
 Ms. RUSH. Chairman Hyde votes yes.
 Chairman HYDE. Ms. Berkley?
 Ms. BERKLEY. I vote aye, please.
 Ms. RUSH. Ms. Berkley votes yes.
 Chairman HYDE. Have all voted who wish?
 Mr. Delahunt?
 Mr. DELAHUNT. Yes.
 Chairman HYDE. Mr. Delahunt votes yes.
 Ms. RUSH. Mr. Delahunt votes yes.
 Chairman HYDE. The clerk will report.
 Mr. Mack?
 Mr. MACK. Yes.
 Ms. RUSH. Mr. Mack votes yes.
 On this vote, there are 37 ayes and five noes.

Chairman HYDE. And the amendment is agreed to. The ayes have it and the motion to report favorably is adopted and with objection the bill will be reported as a single amendment in the nature of a substitute incorporating the amendments adopted by the Committee and the staff is directed to make technical and conforming amendments and the Committee stands adjourned.

[Whereupon, at 2:40 p.m., the Committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE ROBERT WEXLER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF FLORIDA

Mr. Chairman, I want to thank you for bringing up this resolution, which supports an enhanced relationship between Israel and NATO. I also want to thank Congresswomen Ros-Lehtinen, Congressman Gallegly and their staff for working with my office to move this initiative forward.

Since the end of the Cold War, the scope of NATO's international role has shifted, and its theater of operations has expanded beyond Europe to include Central Asia, Africa and the Middle East. This is a clear reflection of shifting global threats to the Transatlantic Alliance, the majority of which now emanate from the Middle East. Most prominent among them are Iran's support of terrorism and development of nuclear weapons.

At this juncture, NATO must reach out to allies in the war on terror—such as Israel—who possess the desire, capability, and experience to assist in countering such global threats. While Israel has been a member of NATO's Mediterranean Dialogue for the past 10 years, there are limitations to this partnership. There is no question that Israel's enhanced relationship with NATO would be mutually beneficial to both Israel as well as NATO member states.

Israel has demonstrated its interest in deepening its relationship with NATO, and has recently presented NATO officials with a plan for a step-by-step upgrade in bilateral cooperation. At the same time, NATO has sought to deepen its relationship with Israel, including through the visit of NATO's Secretary General [Jaap de Hoop Scheffer] to Israel and—more recently—the visit of a delegation of NATO multinational military officers to Israel to share surveillance technology with the Israeli Air Force. This week, Israel will fully participate for the first time in a NATO navel exercise in the Black Sea.

As Israel pursues a deepened NATO partnership, the United States should take the lead in advocating for its adoption. I urge my colleagues to join me in supporting the passage of H.Res.700.

PREPARED STATEMENT OF THE HONORABLE ELIOT L. ENGEL, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, I was absent for three votes on H.R. 5682 regarding U.S.-India nuclear cooperation. Were I present, on the second amendment offered by Rep. Berkley, I would have voted yes, on the third amendment offered by Rep. Berkley, I would have voted yes, and on reporting the bill favorably, as amended, I would have voted yes.

